1568/1300.

THE TRYALS

OF

ROBERT GREEN,
HENRY BERRY, &
LAWRENCE HILL,

For the MURDER of

Sir *EDMOND-BURY GODFREY* Kt.

One of His Majesties Justices of the Peace for the County of *Middlesex*; at the *Kings-Bench* Bar at *Westminster*,

Before the Right Honourable
Sir WILLIAM SCROGGS Kt. Lord *Chief Justice*
Of that Court, and the rest of His Majesties Judges there;
On *Monday* the 10th. of *February*, 1678.

Where, upon Full Evidence they were Convicted, and received Sentence accordingly, on *Tuesday* the next day following.

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THE TRYALS OF ROBERT GREEN, HENRY BERRY & LAWRENCE HILL, For the MURDER of Sir *Edmond bury Godfrey* Knight.

ON *Wednesday* the 5th. of *Feb.* 1678. *Robert Green*, *Henry Berry* and *Lawrence Hill*, were brought from his Majesties Goal of *Newgate* to the Bar of the Court of *Kings-Beneh*, to be Arraigned for the Murder of Sir *Edmund-bury Godfrey*, upon an indictment found by the Grand Jury for the County of *Middlesex*, on *Munday* the morrow of the Purification of the Blessed Virgin *Mary*; and the Court proceeded thus.

Mr. *Just Wild* Arraign'd the Prisoners.

Clerk of the Crown. *Robert Green*, Hold up thy Hand. *Henry Berry*, Hold up thy Hand. *Lawrence Hill*, Hold up thy Hand. } *Which they severally did.*

You stand Indicted by the names of Robert Green *late of the Parish of* St. Mary le strand *in the County of* Middlesex *Labourer*, Henry Berry *late of the same Parish and County Labourer. And* Lawrence Hill *late of the same Parish & County Labourers, for that you three, together with* Girald *late of the same Parish and County Clerk:* Dominick Kelly *late of the same Parish and County Clerk: And* Phillibert Vernatt *late of the same Parish and County Labourer, who are withdrawn: Not haveing the fear of God before your eyes, but being moved and seduced by the instigation of the Devil, the twelfth day of* October, *in the Thirtieth year of the Reign of our Soveraign Lord* Charles *the Second, by the Grace of God, of* England, Scotland, France *and* Ireland *King, Defender of the Faith, &c. at the Parish of* St. Mary le strand *aforesaid, in the County of* Middlesex *aforesaid, in and upon* Sir Edmund-bury God frey *Knight, in the Peace of God, and of our said Soveraign Lord the King, then and there being feloniously, voluntarily and of your malice aforethought, did make an assault; and that thou the aforesaid* Robert Green *a certain Linnen Handkerchief of the value of six pence about the neck of the said* Sir Edmond-bury Godfrey, *then and there feloniously, wilfully, and of thy malice aforethought, didst fold and fasten; and that thou the said* Robert Green, *with the Handkerchief aforesaid, by thee the said* Robert Green *in and about the neck of the said Sir* Edmond-bury Godfrey *in manner and form aforesaid, folded and fastned then and there him the said Sir* Edmond-bury Godfrey, *didst choak and strangle, of which said choaking and strangling of him the said Sir* Edmond-bury Godfrey *in manner and form aforesaid, he the said* Sir Edmond-bury Godfrey *then and there instantly dyed, And that you the said* Henry Berry, *and* Lawrence Hill, *together with the said* Girald, Dominick Kelly *and* Phillibert Vernatt, *then and there*

there feloniously, voluntarily, and of your malice aforethought, were present, aiding, abetting, comforting and mantaining the aforesaid Robert Green; *the aforesaid Sir* Edmond-bury Godfrey *in manner and form aforesaid, feloniously, voluntarily, and of his malice aforethought, to Kill and Murder; and so you the said* Robert Green, Henry Berry *and* Lawrence Hill, *together with the said* Girald, Dominick Kelly *and* Phillibert Vernatt, *in manner and form aforesaid, the aforesaid Sir* Edmond-bury Godfrey; *feloniously, wilfully, and of your malice aforethought, did Kill and Murder, against the Peace of our Soveraign Lord the King, his Crown and Dignity.* How sayst thou *Robert Green.* art thou guilty of this Felony and Murder whereof thou standst indicted; and hast been now Arraigned, or not guilty?

Green, Not Guilty.

Clerk of the Crown. Culprit, How wilt thou by Tryed?

Green. By God and my Countrey.

C. of the C. God send thee a good Deliverance. How sayst thou *Henry Berry,* art thou guilty of the Felony and Murder whereof thou standest Indicted, and hast been now Arraigned, or not guilty?

Berry, Not Guilty.

C. of the C. Culprit, How wilt thou be Try'd?

Berry. By God and my Country.

C. of the Cr. God send thee a good Deliverance. How saist thou *Lawrence Hill,* art thou guilty of the Fellony, and Murder whereof thou stand'st Indicted and hast been Arraign'd, or not guilty?

Hill. Not Guilty.

C. of the Cr. Culprit, How wilt thou be tryed? *Hill.* By God and my Countrey.

C of the Cr. God send thee a good Deliverance.

Cap. Richardson. I desire to know when they must be brought up to be try'd?

Mr. *J. Wild.* Upon *Friday* next.

Cl. of the Cr. You shall have a Rule to bring them up on *Friday.*

But on Thursday *the* 6th. *of* February Mr. Attorney General *moved the Court that it might be deferred till* Munday, *that the King's Evidence might be the more ready, which was granted accordingly.*

On *Munday* the 10th. of *February* 1678. the said *Robert Green, Henry* Berry and *Lawrence Hill,* were brought again to the Barr for their Tryal, which proceeded as followeth.

Cl. of the C. Make Proclamation. *Cryer.* O Yes.

Cl. of the Cr. Again, Again.

Cryer. O Yes, O Yes, Our Soveraign Lord the King doth straightly Charge and Command all manner of persons to keep silence upon pain of Imprisonment,

Cl. of the Cr. Make an O Yes,

Cryer. O Yes, If any one can inform our Soveraign Lord the King, the Kings Serjeant at Law, the Kings Attourney General, or this Inquest now to be taken of the Fellony and Murder whereof *Robert Green, Henry* Berry and *Lawrence Hill,* the Prisoners at the Barr stands indicted, let them come forth and they shall be heard, for now the Prisoners stand at the Barr upon their Delivery. And all others that are bound by Recognizance to give Evidence against the Prisoners at the Barr, let them come forth and give their Evidence, or else they forfeit their Recognizance.

Cl. of the Cr { *Robert Green,* Hold up thy Hand. / *Henry Berry,* Hold up thy Hand, / *Lawrence Hill,* Hold up thy Hand. } *Which they severally did*

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Thoſe good Men that you ſhall hear called, and perſonally appear, are to paſs between our *Soveraign* Lord the King and you upon Tryal of your ſeveral Lives and Deaths, If therefore you, or any of You will challenge Them or any of them, your time is to ſpeak unto them when they come to the book to be ſworn, and before they are ſworn.

Cryer. Make an O yes.

Cryer. O Yes You good men that are Impenaled to enquire between our *Soveraign* Lord the King, and *Robert Green*, *Henry* Berry and *Lawrence Hill*, the Priſoners at the Bar, anſwer to your Names, and ſave your Iſſues.

C. of the Cr. Sir *William Roberts.* *Cryer. Vous avez*, Sir *William Roberts.*

Cl. of the Cr. Sir *William Roberts* to the book.

Cryer. Sir *William Roberts* look upon the Priſoners: You Priſoners look upon the Jury. You ſhall well and truly trye, and true Deliverance make between our Soveraign Lord the King, and the Priſoners at the Bar, whom you ſhall have in Charge, and a true *Verdict* give according to your Evidence. So *help you God.*

And the ſame Oith was adminiſtred to the reſt, and their names were as follow.

Sir *William Roberts* Bar.	*John Barthurſt* Eſq;
Sir *Richard Fiſher* Bar.	*Richard Gowre* Eſq;
Sir *Michael Heneage* Kn.	*Thomas Henſlowe* Eſq;
Sir *Thomas Bridges* Knt.	*John Sharpe* Eſq;
William Avery Eſq;	*John Haynes* Eſq; &
Charles Umphreville Eſq;	*Walter Moyle* Eſq;

C. of the Cr. Cryer, Count theſe. Sir *William Roberts.*

Cryer One, *&c.* C. *of the Cr. Walter Moyle.*

Cryer. Twelve, Good men and true, ſtand together, and hear your Evidence. Gentlemen, are you all ſworn? and you that are not ſworn, pray withdraw.

The ſtanding-place for the Jury being ſo throng'd, that thoſe who were ſworn had not room to ſtand together; the Clerk of the Crown was Order'd to make a Proclamation thus.

Clerk of the Crown. Cryer, make proclamation.

Cryer. O yes, My Lords the Kings Juſtices do ſtraitly charge and command all perſons, that are not of the Jury, to withdraw forthwith, upon pain of one hundred pounds a man.

Clerk of the Crown. Robert Green, hold up thy hand; *Henry Berry*, hold up thy hand *Lawrence Hill*, hold up thy hand. Which they ſeverally did.

Gentlemen, you that are ſworn look upon the Priſoners, and hearken to their Charge. You ſhall underſtand, that they ſtand indicted by the names of *Robert Green*, late of the Pariſh of Saint *Mary le Strand* in the County of *Middleſex*, Labourer; *Henry Berry* late of the ſame Pariſh and County, Labourer, and *Lawrence Hill* late of the ſame Pariſh and County, Labourer; for that they, together with, *&c. (as before)* againſt the peace of our Sovereign Lord the King, his Crown and Dignity. Upon this Indictment they have been arraigned, they have thereunto ſeverally pleaded *Not Guilty*, and for their Tryals have ſeverally put themſelves upon God and their Country, which Country you are. Your Charge is, to inquire whether the priſoners at the Bar, *Robert Green*, *Henry Berry*, and *Lawrence Hill*, or any of them are guilty of the Felony and Murder, whereof they ſtand indicted, or not guilty, and for them which you ſhall find guilty, you ſhall inquire what Goods or Chattels, Lands or Tenements, they had at the time of the Felony committed,

or at any time ſince. If you find them, or any of them not guilty, you ſhall inquire whether they or any of them that you find ſo not guilty fled for the ſame; if you find, that they, or any of them fled for the ſame, you ſhall enquire of their Goods and Chattels, as if you had found them guilty: But, if you find them nor any of them not guilty, nor that they did flie for it, ſay ſo, and no more, and hear your Evidence. Cryer, make proclamation.

Cryer, O yes, If any one will give evidence on behalf of our Sovereign Lord the King, againſt *Robert Green*, *Henry Berry*, and *Lawrence Hill*, the priſoners at the Bar, let them come forth and they ſhall be heard.

Then Sir *Thomas Stringer*, Serjeant at Law of Counſel with the King in this Cauſe, opened the Indictment thus;

Mr. Serjeant Stringer. May it pleaſe your Lordſhip, and you Gentlemen of this Jury, The Priſoners at the Bar, *Robert Green*, *Henry Berry*, and *Lawrence Hill*, ſtand indicted for that they with one *Girald* a Prieſt, one *Kelly*, and one *Vernat*, did the twelfth of *October* laſt, at the parith of Saint *Mary le Strand*, in this County, felonioufly, wilfully, and of their malice afore thought, aſſault the perſon of Sir *Edmondbury Godfrey*, Knight, and that the priſoner, *Robert Green*, did put about the Neck of the ſaid Sir *Edmondbury* a twiſted Handkerchief, and did with that twiſted Hankerchief ſo choak and ſtrangle the ſaid Sir *Edmondbury*, that he immediately died, and that the other priſoners, *Henry Berry*, and *Lawrence Hill*, with the other perſons *Girald*, *Kelly* and *Vernat*, were aiding and aſſiſting the ſaid *Robert Green* to murder the ſaid Sir *Edmondbury*, and ſo the priſoners at the Bar, with the ſaid other perſons, the ſaid Sir *Edmondbury Godfrey*, did kill and murder againſt the Kings Peace, his Crown and Dignity. To this they have pleaded Not Guilty, and for their Tryal have put themſelves upon their Countrey, which Countrey you are. If we prove them, or any of them guilty, you are to find it ſo.

Then Sir *William Jones*, His Majeſties Attorney General, opened the Evidence in this manner,

Mr. *Attorney General.* May it pleaſe your Lordſhip, and you Gentlemen of this Jury, the priſoners, who ſtand now at the Bar, are indicted for murther. Murder, as it is the firſt, ſo is it the greateſt Crime, that is prohibited in the Second Table. It is a Crime of ſo deep a ſtain, that nothing can waſh it away but the Blood of the Offender, and unleſs that be done, the Land in which it is ſhed will continue polluted. My Lord, as Murder is always a very great Crime, ſo the Murder, which is now to be tryed before your Lordſhip, is, it may be, the moſt hainous and moſt barbarous that ever was committed. The Murder was committed upon a Gentleman, and upon a Magiſtrate, and I wiſh he had not therefore been murdered, becauſe he was a Proteſtant Magiſtrate.

My Lord, I will not ſpend much of your time in making my obſervations before hand, becauſe I muſt in this Caſe crave leave to do it in the concluſion of the Evidence. For I, that have made a ſtrict examination into this matter, do find, that I ſhall better ſpend my time in making obſervations, and ſhewing how the Witneſſes do agree after the Evidence given than before. Therefore, my Lord, I ſhall at preſent only make a ſhort Narrative of the Fact, to ſhew you the Courſe of our Evidence, that it may be the better underſtood and remembred by the Jury.

My Lord, upon the diſcovery of the late horrid Plot.---

Lord Chief Juſtice. And preſent Plot too, Mr. Attorney: But pray go on.

Mr. *Attorney General*, If your Lordſhip pleaſe, you may call it ſo, for 'tis to be feared they

they have not yet given it over: But upon the discovery of that Plot (call it late or present) Sir *Edmondbury Godfrey* (whom, I suppose, the Jury all knew, and every man, that lived there abouts, must needs remember to have been a very useful and active Justice of the Peace) had taken several examinations about this matter, and perhaps some more than now are extant: (but we have proof he had some) and was very industrious in finding out the principal Actors in this Plot, among whom, some Priests and Jesuits foreseeing their own danger, and likewise the overthrow of a Design which they had been so long in contriving, they had several Consultations how to prevent the discovery. And as they are men, who never stick at Blood, but rather account it meritorious to shed it, though never so unjustly when their Interest may be profited by it, they did resolve to secure themselves and their Design by taking away the life of this Gentleman. In order thereunto they had several meetings, and the place of their meeting, you will find by the Evidence, to be at the Plow Ale-house, and there they did consult how to take away the life of Sir *Edmondbury Godfrey*. And they made several attempts to do it: one while they dogg'd him into the fields, another while they sent people to spie when he came abroad, that they might follow him into some dark Alley, or other obscure or unfrequented place, & there dispatch him; and at last, after many attempts, they succeeded in that wicked one, when the Murder was committed.

My Lord, there are contained in this Indictment six Offenders, all principals, three of them, I think, are Priests, or at least, two of them are so, that is, Father *Girald* an *Irish* man, Father *Kelly* likewise of the same Nation, and one *Vernat*, whether a Priest or Layman, I know not. These Priests (as they are always the first that contrive mischief, so they are always the first that fly punishment) have taken care for themselves and run away, and left their blind followers, the prisoners at the Bar, whom they had drawn into this bloody act, alone to answer for it.

The day, when this Murder was committed, was *Saturday* the 12th of *October* last; and I must desire your Lord-ship to take notice of the day, for upon that much of the Evidence will depend. And we shall prove, that as they did before send several times to Sir *Edmondbury Godfreys* house to get intelligence of his going abroad, so this very day in the morning, *Hill* one of the prisoners at the Bar, came to his house upon pretence of business with him, and, as we guess, and have reason to believe, to learn whither he went that day: *Green* (another of the prisoners) had been there before on the same errand. And so much we shall prove to you by the people of the house. Sir *Edmondbury Godfrey* happened about noon, or some time in the afternoon of the same day (as we have it by the confession of one of the parties) to be at an house near Saint *Clements* Church, where these murtherers had notice he was, and had prepared a trap for him as he came back; They had appointed men to watch him and give them notice when he did come back, and whatever his business was at the house that he was in (for it cannot yet be known) he staid there till about seven or eight a clock at night: And your Lordship knows that at that time of the year it is then dark. He coming from about St. *Clements* Church towards his own house near *Charing Cross*, notice was given to the Murderers of his approach near to *Sommerset house*. And thus they had laid their bloudy contrivance: Some of them were appointed to meet him at the Back-gate of *Sommerset house*, and to inform him that there was a Quarrel in the Yard, and he being a man always careful to keep the peace, & punish them that broke it, they thought it a very apt means to train him into the Yard: & when he came near the Back-gate they did accordingly acquaint him that

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Two of the Queens Servants were fighting in the yard, and that they needed his presence to part and quiet them He at first thought it might be but some ordinary idle scuffle, and was not willing to go down, but being very much importun'd by them, down he went toward the Back-gate into the yard, where were indeed two men scuffling together, but counterfeitly, the one was *Berry* the prisoner here, the other was *Kelly* the Priest that is run away. And when Sir *Edmondbury Godfrey* was come, and within their reach, then, as it was before contrived, the Fray of it self ended, and *Berry* goes to the lower Water-gate, and Mr. *Prsunce* (who was in that foul Fact, but hath since repented, and hath made this discovery) to the upper-gate, to keep back any casual passengers for a little while, till such time as the Murder was over.

My Lord, Things being thus prepared, whilst Sir *Edmund bury Godfrey* stood still, or was returning, haveing no more to do there, after the scuffle was thus appeased, *Green* one of the Prisoners, coming behind him, puts a Cravat, or a Twisted linnen cloth, (which he had ready for the purpose) about his Neck. And He, *Hill*, and those holy Fathers *Girald* and *Kelly*) with great veneration be it spoken, for men of their Order to stain their hands with the blood of an Innocent Gentleman, and that in so Treacherous a manner) All set upon him, and very manfully, being Four upon one, and he altogether surprized, threw him down and Strangled him. And this was done) as it is easie to imagin) without much noise, so that I doubt not but many that were near the place might be ignorant of it and did not hear it.

My Lord, Though the thing was done with a great Zeal, and a very good will to dispatch him, yet it so happened, that when Mr. *Prsunce* came back from keeping Sentinel at the Gate, there was some life left in Sir *Edmundbury Godfrey*, he did stir his feet, and thereby they perceived that he was not quite dead. But to make through work with him, *Green*, (who begun, and was to give an accomplishment to this bloudy fact) takes hold of his Head and twists his Neck round, and stamps upon his Breast, the marks of which outragious cruelty did plainly appear in his body after it was found.

My Lord, after they had thus kill'd him, *Girald* the Priest thought he was not yet dead enough, and was very willing to run him through with Sir *Edmundbury*'s own Sword, but that was not liked by the rest, lest it might be discovered by a great effusion of bloud in that place: and so they forbore it for that time. Having thus dispatch'd him, they remmoved him to the Chamber of *Hill* where they kept him some time, and after that to another Chamber. I will not be particular herein because the Witness will give the best account of it. But after some time, (I desire it may be observed) 'twas on Monday night (two nights after the fact was committed) they brought him into another Room and laid him there, with a Cloak thrown over him. And I mention this last so particularly, because he then happened to be seen by another witness here present, who concurs as to his lying there dead, and that he saw him by the help of a dark Lanthorn, of which, and other Circumstances, I shall have occasion to make use hereafter.

My Lord, After he had lain in *Sommerset-House* some days, they thought it was high time to remove him, or rather to expose him: for having now killed him they did endeavour to kill his Reputation, and lay the blame of this foul murder upon the innocent Gentleman, as if he had killed himself: And on *Wednesday* night, which by computation was the *16th.* of *October*, they carried him out of *Sommerset House* in this manner. *Hill* having late in the night procured a Sedan, they made a shift by bending the body to a fit posture to crowd him into it, and *Berry* one of the murderers and Porter of *Sommerset House* was

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of all men most proper to help them out with privacy, and therefore it was agreed between them, that whenever a man should come before and make an hem, it should be a sign to *Berry* to open the Gate. And my Lord, haveing put him into the Sedan, mr. *Prounce* and *Girald* first carryed him out in it to *Covent Garden*, and there they rested, being something wearied with their burden, and two more supplied their rooms, and carried him to *Long-Acre*. Then *Girald* and *Parunce* took him up again and carryed him to the *Grecian* Church nere *So-ho:* And when they had him there, they got an horse ready and mounted him upon it, and *Hill* was set behind him to hold him up; by which means they carried him to the place where he was found, and there to accomplish the last part of their design, which was to murder his Reputation after they had killed his body, (they took his own Sword and run him through, and left him in such a manner, as that according to the weakness of their understanding) the world should conclude he had killed himself. In that condition was the Gentleman found. I have but a little more at present to trouble you with, and that shall be to shew you what the murtherers did after they had committed this fact. They gave an account of it the next morning to Mr. *Prounce*, who went no further than the Sedan went, which was to the *Grecian* Church: and the Priestes were so far from any remorse, and had so little of humanity, (I believe there is none can think they had much of Divinity) that they did in a paper sent down a Narrative of this Heroick Act: and I doubt not but by this time it is sent to *Rome*, where it finds as great Approbation, and causes as great Joy as their other Acts of a like nature have heretofore done. Some days after the Fact was done, and to their everlasting honour thus by themselves recorded, some of these Priests had a meeting at the *Queens head* at *Bow*, and there was the Paper produced and read, at which they were very merry, and were so loud that some of the house overheard them, and do yet remember that they read and were merry at a paper which concerned Sir *Edmundbury Godfrey*.

My Lord, This will be the course of our evidence, and though your Lordship and the Jury will easily believe that most of these particulars must arise from one who was party to the Fact, yet my Lord, I will undertake before I have done, so to fortifie almost every particular he delivers, with a concurrent proof of other Testimony, and the things will so depend upon one another, and have such a Connexion, that little doubt will remain in any mans mind that is come hither, without prepossession, but that *Sir Edmund-bury Godfrey* was murthered at *Sommerset-House*, and that the persons who stand now Indicted for it were the murtherers.

Mr. *Recorder*, My Lord, if your Lordship pleases, according as mr. *Attorney* hath opened it, we desire we may call our Witnesses, and first we will call mr. *Oates*.

Cryer, Mr. *Oates*, Lay your hand on the Book. The Evidence you shall give for our Soveraign Lord the King against *Robert Green*, *Henry Berry* and *Lawrence Hill* the Prisoners at the Bar, shall be the truth, the whole Truth, and nothing but the Truth. So help you God.

Mr. Sol. Gen. Pray Mr. *Oates* will you give my Lord and the Jury an account what Transactions there were between you and Sir *Edmund bury Godfrey*, and that, my Lord is all we call him for.

Mr. Att. Gen. My Lord, I call this Gentlemen to prove what Examination Sir *Edmund-bury Godfrey* had taken and what was his own opinion of himself about them.

L. C. J. *Mr. Attorny*, I suppose the use you make of it is this, to shew that that might be one of the motives to these persons to do this Act because he was forward in the discovery of their Plot.

Mr. *Att. Gen.* It is ſo my Lord, and that it was his opinion himſelf that he ſhould have ſome miſchief from them for it.

L. C. J. Come Mr. *Oates*, pray tell your knowledge.

Mr. *Oates*, My Lord, upon the ſixth of *September* laſt, I did go before Sir *Edmund-bury Godfrey*, and there upon Oath gave in ſeveral depoſitions, and after that I had made Oath of thoſe Depoſitions, we took the Record along with us home again. And on the 28*th.* of *September*, after we had taken two or three Copies of this Record, we went before Sir *Edmund-bury Godfrey* again, and Swore all the Copies we had taken, and ſo made them Records. My Lord, after that, the buſineſs was made known to the Council by my ſelf, and upon *munday Mr. Godfrey* came to me, which was I think the 30th. of *September*, and did tell me what affronts he had Received from ſome great perſons (whoſe names I name not now) for being ſo zealous in this buſineſs. And my Lord, he told me that others who were well inclined to have the diſcovery made, did think that he had not been quick enough in the proſecution, but had been to remiſs, and did threaten him that they would complain to the Parliament which was to ſit the 21th of *October* following. My Lord, that week before Sir *Edmunbury Godfrey* was miſſing, he came to me, and told me that ſeveral Popiſh Lords, ſome of whom are now in the *Tower*, had threatned him, and asked him what he had to do with it. My Lord, *I* ſhall name their names when time ſhall come. My Lord, this is all I can ſay, He was in a great fright and told me he went in fear of his life by the Popiſh party, and that he had been dog'd ſeveral dayes.

Mr. *Attor. Gen.* Did he tell you that he was dogg'd?

Mr. *Oates*. Yes, he did, and I did then ask him why he did not take his man with him, he ſaid, he was a poor weak Fellow, I then ask'd him why he did not get a good brisk Fellow to attend him, but he made no great matter of it, he ſaid he did not fear them, if they came fairly to work, but yet he was often threatned, and came ſometimes to me to give him ſome encouragement, and I did give him what encouragement I could, that he would ſuffer in a juſt Cauſe and the like; but he would often tell me he was in continual danger of being hurt by them.

Mr. *Attor. Gen.* We deſire *mr. Robinſon* may be ſworn. Which was done accordingly.

Mr. Recorder. Pray Sir, will you tell the Court and the Jury, what diſcourſe you had with Sir. *Edmondbury Godfrey*, and what apprehenſions he had concerning this buſineſs.

Tho. Robinſon Eſquire, Chief Prothonotary of the Court of Common-pleas.

My Lord, Sir *Edmondbury Godfrey* and I were of a very ancient acquaintance for above forty years, we were bred up together at *Weſtminſter* School, and continued in that acquaintance all along, except in the times of the War, and were for many years together in Commiſſion for the peace, both for this County and this City. We met at the Quarter-Seſſions for *Weſtminſter* the ſeventh of *October*, which was *monday*, as I take it, and meeting there, we went after the Court was up and dined with the head Bayly, as the cuſtome is; where Sir *Edmondbury Godfrey* and I did diſcourſe ſeveral things about this Plot; I ſaid to Sir *Edmondbury Godfrey*, I underſtand you have taken ſeveral examinations about this Plot, that is now made publick, truely, ſaid he, I have, but, I think, I ſhall have little thanks for my paines, or ſome ſuch words: ſaith he, I did it very unwillingly and would fain have had it done by others; why, ſaid I, you did but what was your duty to do, and it was a very good act: pray, Sir, have you the examinations about you, will you pleaſe to let me ſee them; no, I have them not, ſaid he, I, delivered them to a perſon of quality, but as ſoon as I have them you ſhall ſee them. But, ſaid I, *I* ſhould

he

be very glad to understand, Sir *Edmondbury*, that the depth of the matter were found out, I am afraid, said he, of that, that it is not, but discoursing further, he said to me, *Upon my Conscience, I believe, I shall be the first martyr.* Why so, said I, are you afraid? No, said he I do not fear them, if they come fairly, and *I* shall not part with my Life tamely. Why do not you go with a man, said I, if you have that fear upon you? Why, said he, I do not love it, 'tis a clog to a man, but, said I, you should do well to keep a man: I observe you never go with one.

Mr. *Attor. Gen.* But did he tell you, Sir, that he did believe, he should be the first martyr?

Mr. *Robinson.* Yes, He did say, upon his Conscience he did believe he should be the first martyr; and this is all I can say of this business.

Mr. *Attor. Gen.* Then if your Lordship please we will in the next place call mr. *Prannce*, who was drawn in to be present at this business, and who knew of all the fact, and will give you an account of the whole matter.

Then Mr. *Prannce* was sworn.

Mr. *Attor. Gen.* Pray, Sir, begin at the very beginning: The meetings you had at the *Plow*-Ale-House, and the sending to Sir *Edmondbury*'s House, and all the Story.

L. C. J. Mr. *Prannce*, pray tell us the first motives that were used to you to do this thing and the first time it was mentioned, who they were that first mentioned it, and where?

Mr. *Prannce* My Lord, it was about a fortnight or three weeks before he was murdered, we met several times at the *Plow-Ale-House* *L.* C. J. With whom?

Mr. *Prannce.* With mr. *Girald*, mr. *Green*, and mr. *Kelly*. *Girald* and *Kelly* did intice me in, and told me it was no Sin. Mr. *Recorder*. *Girald* and *Kelly* did?

Mr. *Prannce.* Yes *Girald* and *Kelly*. Mr. *Recorder*. What are they?

Mr. *Prannce*, Two Priests: And they said it was no sin, it was a charitable act: They said he was a busie man, and had done, and would do a great deal of mischief, and it was a deed of Charity to do it, and so they told the rest besides.

Mr. *Attor. Gen.* Where was it they said thus?

Mr. *Prannce.* They said it at the *Plow*, and by the Water-side.

Mr. *Recorder.* Well said, how long was it before he died?

Mr. *Prannce.* A week or a fortnight before he was murdered, and *Green*, *Hill*, and *Girald* met there together. Mr. *Attor. Gen.* What discourse had you then?

Mr. *Prannce.* There they resolved that the first that could meet with him should give notice to the rest to be ready, and so in the morning, when they went out on *Saturday*----

Mr. *Attor. Gen.* But before you come to that, do you know of any dogging of him into the fields.

Mr. *Prannce.* Yes, it was before that I heard them say, they would, and had dogged him into the fields. *L.* C. J. Who did you hear say so?

Mr. *Prannce* *Girald*, *Kelly*, and *Green*. Mr *Att. Gen.* That *Green* is one of the Prisoners.

Mr. *Recorder.* Which way did they dog him? what Fields?

Mr. *Prannce.* *Red-Lyon* fields, and those by *Holborn*.

Mr. *Att. Gen.* Why did they not kill him there?

Mr. *Prannce.* Because they had not opportunity.

Mr. *Att. Gen.* Do you know of any sending to his House, or going to it?

Mr. *Prannce.* One time I do know of, and that was *Saturday* morning, mr *Kelly* came to give me notice, that they were gone abroad to dog him, and afterwards they told me that *Hill* or *Green* did go to his House and ask for him, but the maid told him he was

not up, and then went away, and ſaid he would call by and by.

Hill. What time was that in the morning?

Mr. *Prannce.* It was about nine or ten a clock in the morning?

Hill. And had we been there before or after?

Mr. *Prannce.* You had been there before.

Recorder. Pray ſtay till ſuch time as we have done with our Evidence, you ſhall have all free liberty to ask him any Queſtion, but you muſt ſtay till we have done.

Mr. *Prannce.* As ſoon as they heard he was within, they came out and ſtaid for his coming out and dogg'd him.

L. C. J. Did all three of them go to his Houſe?

Mr. *Prannce.* No, my Lord.

Lord Ch. Juſt. Who was it did go? mr. *Prannce.* Only one, either *Hill*, or *Green*.

L. C. Juſt. How do you know that?

Mr. *Prannce.* They told me ſo themſelves, for they came to give me notice.

L. Ch. Juſt. Who told you ſo? Mr. *Prannce.* It was *Girald* and *Green* both.

L. C. J. Did *Green* tell you that he had been there?

Mr. *Prannce.* He told me one of them, but I am not certain which. And ſo, my Lord, after that, when he came out they dogg'd him that day up and down.

Juſtice Jones. Who dogg'd him?

Mr. *Prannce*, *Girald*, *Green* and *Hill* dogg'd him into St. *Clements*; and about ſeven a clock, *Green* came and gave me notice, that he was at Saint *Clements*, and I came to *Somerſet-houſe* as faſt as I could.

L. C. J. Where were you? mr. *Prannce.* At my own houſe.

L. C. J. How far did you live from *Somerſet-houſe*?

Mr. *Prannce.* I lived in *Princes-ſtreet*, not far from *Somerſet-houſe*.

Mr. *Recorder.* Who was it gave you notice?

Mr. *Prannce.* It was *Green*. He told me that *Girald* and *Kelly* were watching him, and that he was at St. *Clements*.

L. Ch. Juſt. Where was he? mr. *Prannce.* At St. *Clements*, my Lord.

L. Ch. Juſt. Where there?

Mr. *Prannce.* I was not there, they told me ſo, and no more; and about eight or nine a clock *Hill* came before up the ſtreet, and gave us notice, that we muſt be ready. And ſo, my Lord, as ſoon as *Hill* had given us notice, he went up to the gate, and ſtaid there till Sir *Edmondbury Godfrey* came by, and then told him, there were two men a quarrelling, and deſired him to come and try whether he could pacifie them; he was very unwilling; but pray, Sir (ſaith *Hill*) you being a Juſtice of the Peace may qualifie them, and ſo he went down till he came to the bottom of the Rails, and when he came to the bottom of the Rails, *Green* twiſted his Handkerchief, and threw it about his Neck, and threw him behind the Rails, and there throttled him, and punched him, and then *Girald* would have thruſt his Sword through him, but the reſt would not permit him, for fear it ſhould diſcover them by the blood. And about a quarter of an hour after I came down, and found he was not quite dead; for I laid my hand upon him, and his Leggs tottered and ſhook, and then *Green* wrung his Neck quite round.

Att. Gen. Who was it that took him by the Neck?

Mr. *Prannce.* It was *Green*, my Lord.

L. C. J. Did you ſee him?

Mr.

Mr. Praunce. No, but he did tell me afterwards that he did it.

L. C. J. Who, *Green* himself? *Mr. Praunce.* Yes, my *Lord*, for he boasted of it.

Att. Gen. Pray what did he do to him besides?

Mr. *Praunce.* He punch'd him with his Knee.

L. C. J. Did you see him to do this? How do you know he did it?

Mr. *Praunce.* He and the rest told me so afterwards.

L. C. J. Where were you at that time that the Handkerchief was twisted about his Neck?

Mr. *Praunce.* As soon as he came down I went towards the Gate.

L. C. J. Who ordered you to stand at the Gate? *Mr. Praunce.* It was *Hill.*

Serj. *Stringer.* You watch'd the Water-gate, who watch'd the Staires?

Mr. *Praunce.* That was *Berry.*

Recorder. Pray give an accompt what they did afterwards.

Praunce. Why afterwards----

Att. Gen. Who told you that *Green* twisted his Neck? Mr. *Praunce.* All spoke of it.

Att. Gen. Did *Hill.* Mr. *Praunce.* Yes, he, and the rest.

Att. Gen. How came you to understand that he punch'd his Breast?

Mr. *Praunce.* *Green* spoke of it himself, and so did the others.

Att. Gen. Who were about his Body when you came down to the Gate?

Mr. *Praunce.* All Four.

Att. Gen. Name them. Mr. Praunce. *Hill*, *Green*, *Girald* and *Kelly.*

Att. G. Was *Berry* there? Mr. *Praunce.* He came to them a while after.

Att. Gen. When? Mr. *Praunce.* Before they carried him into the house.

Att. Gen. How can you tell that?

Mr. *Praunce.* Because he helpt them to carry him in.

Sol. Gen. Where was *Berry* before they carried him into the house?

Mr. *Praunce.* He was about the stairs.

Recorder. Who was it that carried him up into the Room?

Mr. *Praunce.* We all did.

Record. Pray name all that were in the company.

Mr. *Praunce.* There was *Girald*, *Green*, *Hill*, *Kelly*, *Berry* and I.

Att. Gen. Who set their hands to do it?

Mr. *Praunce.* We all did help; *Hill* went before and opened the door, and we carried him into the Room.

Att. Gen. Whose Room was that?

Mr. *Praunce.* It was at a Chamber of *Hill's* in Dr. *Godwin's* house.

Recorder. Was *Hill Godwin's* man? *Praunce.* Yes, he had been.

Justice *Jones.* Did *Berry* help to carry him in? *Mr. Praunce.* Yes, *Berry* did.

Serj. *Stringer.* Was there any discourse of a Sword to be thrust through him at that time?

Mr. *Praunce.* Yes, *Girald* said he would thrust a Sword through him, but they would not let him for fear of discovery.

Att. Gen. What became of the Body?

Mr. Praunce. It lay there till *monday* night, and on *monday* it was removed into *Somerset-house*, and upon *monday* night *Hill* did shew me it with a dark lanthorn.

Mr. *Attorn. Gen.* Who were in the Room then?

Mr

Mr. *Praunce*. *Girald*, and *Hill*, and *Kelly*, and all were there. And on *Tuesday* night it was brought back again; mr. *Hill* would have carried him into his own lodging.

L. C. J. Whither did they carry him on *monday* night?

Mr. *Praunce*. Into *Somerset-house*.

Mr. Justice *Wild*. Is not *Hill's* Chamber in *Somerset-house*?

Mr. Serj. *Stringer*. Describe the Room, mr. *Praunce*, as well as you can.

Mr. *Praunce*. I am not certain of the Room, and so cannot describe it.

Mr. Justice *Wild*. But was not *Hills* Chamber in *Somerset-house*?

Mr, *Praunce*. 'Tis in the lower part of the house in a Court.

Mr. *Att. Gen*. When you saw him in this Room, pray, what was thrown over him?

Mr. *Praunce*. There was something, I cannot tell what; for I durst not stay long there.

Mr. Justice *Dolben*. What light was there? Mr. *Praunce*. Only a dark lanthorn.

Mr. At. G. Who carried it? Mr. *Praunce*. *Hill* carried it.

Mr. Justice *Dolben*. Are you sure you saw the Body there?

Mr. *Praunce*. Yes, I am certain of it.

Mr. Att. G. What became of it after that?

Mr. *Praunce*. On *Tuesday* night it was carried to *Hills*, the Chamber where he was first brought after he was murdered; but there was somebody there, and so they could not carry it into the Room, but they carried him to a Room just over against, I think they were Sir *John Arundells* lodgings, I cannot tel. There it lay till *Wednesday* night, and about nine a clock on *Wednesday* night they were removing the body into the Room where it first lay; and I happened to come as they were removing it, and they were affrighted, and run away: But I spoke, and *Berry* came back again, and got the Body up into the Room, and about twelve a clock they carried it away in the Sedan.

Mr. Att. G. Who brought the Sedan? Mr. *Praunce*. *Hill* did.

Mr. Att. G. Who put him into it? Mr. *Praunce*. We all set our hands to it.

Mr. Att. G. Who carried him out first? Mr. *Praunce*. I and *Girald*.

Mr. Att. G. Out of which Gate? Mr. *Praunce*. The upper Gate of the upper Court.

Mr. At. G. How came you to have the Gate opened? Mr. *Praunce*. *Berry* opened it.

Mr. Att. G. How came he to open it?

Mr. *Praunce*. Somebody hem'd, and that was the sign.

Mr. Att. G. Who was it that carried the Sedan first? Mr. *Praunce*. I and *Girald*.

Mr. Att. G. Who went before? Mr. *Praunce*. *Green* and *Kelly*.

Mr. *Recorder*. How far did you carry him?

Mr. *Praunce*. Into *Covent-Garden*, and there we rested.

Mr. *Attorn. Gen*. And who took him up then?

Mr. *Praunce*. *Green* and *Kelly*.

Mr. *Attorn. Gen*. How far did they carry him?

Mr. *Praunce*. They carryed him to *Long Acre*. Then we took him up and carried him to *So-hoe* Church, and there *Hill* met us with an horse, and we helped the body up.

Mr. *Attorn. Gen*. Who was it that rid behind him? mr. *Praunce*. It was *Hill*.

Mr. Att. G. What did you with your Sedan?

Mr. *Praunce* We set it in a new house till we came back again.

L. C. J. You say you saw him on horseback? Mr. Pr. Yes, my Lord, I did.

L. C. J. How, in what posture?

Mr. Pr. Astride, his leggs were forced open, and *Hill* held him up.

Hill

Hill. Did I hold him? *Mr. Praunce*, Yes, you did.

L. C. J. Did the others go with him? *Mr. Praunce*, Yes my Lord.

L. C. J. Who did go with him?

Mr. Praunce, *Green*, *Hill*, *Girald* and *Kelly*.

Mr. *Att*, G. Pray will you tell my Lord and the Jury, what account they gave you the next morning concerning the Body, and how they had disposed of it.

Mr. Pr. They told me L. C. J. Who told you?

Mr. Praunce. *Hill*, *Kelly* and *Girald*.

L. C. J. What did they tell you?

Mr. Pr. First, that they had run him throw with his own Sword; then thrown him into a Ditch, and laid his Gloves and other things upon the Bank.

Mr. *Att.* G. Pray tell now the story of your meeting at *Bow*, What was the house called you met at?

Mr. *Praunce*. It was the Sign of the *Queens Head*.

Mr. *Att.* G. Who was it that did meet there?

Mr. *Praunce*. They were Priests, I can't so well remember their names, they are written down in this paper.

Mr. *Record*. Look on the paper your self, you can read I suppose.

Mr *Praunce*, There was one *Luson* a Priest, I think,

Mr. *Att.* G. Where did he live? *Mr. Praunce*, He was with *Vernatt*.

Mr. Att. G. What was the occasion of your meeting there?

Mr. Praunce. *Vernatt* told me only it was to be merry there.

Mr. Att. G. What was the man of the house his name? *Mr. Praunce*. One *Casthes*.

Mr. *Att.* G. Did you dine there? *Mr. Praunce*. Yes.

Mr. *Att.* G. What had you for dinner?

Mr. *Praunce*. We had a Barrel of Oysters, and a dish of Fish: I bought the Fish my self.

L. C. J. What day was it?

Mr. Praunce, The *Friday* after the Proclamation, that all the Papists were to be gone out of *Town*.

Mr. *Recorder*, Tell what company you had there, and what Discourse.

Mr. Praunce, There was mr. *Vernatt*, and I, and mr. *Girald*, and that other Priest, and one mr. *Dethicke*.

Mr. Att. G. Who sent for him?

Mr. Praunce. Mr. *Vernatt* sent a note for him by a Cobler.

Mr. *Att.* G. Did he come upon that note?

Mr. Praunce, He came presently and when he was come, then they read all the writing of the murder; for mr. *Vernatt* should have been one at the doing of it but something happened he could not.

Mr. *Att.* G. Mr. *Vernatt* was very sorrowfull at the reading of it, was he not?

Mr. Praunce. If he was, it was because he was not there.

Mr. *Att. Gen.* How did he behave himself? Did he read it with any pleasure and Delight? Mr. Praunce, We were all very merry.

Mr. *Att.* G. What can you say about any body's over-hearing you?

Mr. Praunce, There was a Drawer came and listned at the Door, and I hearing the Door a little rustle, went to the Door, and Catch't him listning, and said I to him, Sirrah, I could find in my heart to kick you down Stairs; and away he went.

Mr.

Just. Wild, Was *Vernatt* with you there that night he was murdered, the *Saturday* Night? Mr. *Praunce*, No, there was only the six I have named.

J. Jones. Yow say that you met at the *Plow* the first Night?

Mr. *Praunce*, Yes.

J. *Jones*. And there you were told, That it was a very charitable act to kill Sir *Edmund-bury Godfrey*? Mr. *Praunce*, Yes, I was so.

J. *Jones*. Was it agreed there that he should be killed?

Mr. *Praunce*. It was agreed there; and the first that met him were to give notice to the rest.

J. *Jones*. Who were there? Mr. *Praunce*. *Girald*, *Kelly Green* and I.

L. C. J. When came *Hill* and *Berry* into this Cause, how came they acquainted with it.

Mr. *Praunce*, They were in it before *I*.

L. C. J. Who told you they were in it?

Mr. *Praunce*. Mr. *Girald*, my Lord, told me so.

J. *Jones*. *Hill* and *Berry* were not at the *Plow*, where did you first hear them speak of it?

Mr. *Praunce*. *Girald* and I had been at *Berry*'s house divers times.

J. *Dolbin*. But there were two meetings at the *Plow*, were there not?

Mr. *Praunce*, Yes, there were.

J. *Dolben*. And *Hill*, was at the last meeting, was he not?

Mr. *Praunce*. Yes, he was, my Lord.

Att. G. Now I would ask you this Question, by the favour of the Court, Was there any Reward proposed by these priests for the doing of it.

Mr. *Praunce*. *Girald* and *Vernatt* did speak of a great Reward that was to be given for it.

Att. G. Pray, how much? mr. *Praunce*, I do not Remember what.

Att. G. Cannot you tell how much?

Mr. *Praunce*. There was to be a good Reward from my Lord *Bellasis*, as they said.

J. *Dolben*, You had several meetings you say, Did you there resolve what should be the way of doing it?

Mr. *Praunce*. *Girald* was resolved to kill him that Night; and if he could not get him into a more convenient Place, he would kill him with his own Sword in the Street that leads to his own house.

Record. Who was that, that resolved so?

Mr. *Praunce*. It was *Girald*.

Recorder, The *Priest* rather then fail was resolved to do that Act of Charity himself.

Att. G. I would now ask you a Question, which though it does not prove the persons Guilty, yet gives a great strength to the Evidence. *Do* you know mr. *Bedlow* mr. *Praunce*? Mr. *Praunce*. *I* do now know him.

Att. G. Had you ever any Conference with him before you was commited to prison? Mr. *Praunce*, Never in all my life.

Att. G. Were you ever in his company in your life before, that you know of?

Mr. *Praunce*. No, not that I remember.

Att. G. Well, you shall see how far he will agree with you.

Record. Now they may ask him any questions, if they please, for we have done with him.

L. C. J. Let them if they will.

Hill

drawn up, and I was ready to appear when I ſhould be called to juſtifie them, only I did not think fit to appear immediately; And, my Lord, this *Beddingfield* he had gotten into it, that it was diſcovered, and writ the Provincial word, he thought it was by me, When he had received this letter he asked me with what Face I could look upon him ſince I had betrayed them: ſo my Lord, I did profeſs a great deal of innocency, becauſe I had not then been with the King; but he gave me very ill language, and abuſed me, and I was afraid of a worſe miſchief from them; for I could not but conclude, that if they dealt ſo cruelly with thoſe that only writ againſt them, I could ſcarce eſcape, of whom they had that Jealouſie that I had betrayed them; And my Lord, though they could not prove that I had diſcovered it, yet upon the bare ſuſpition I was beaten, and affronted, and reviled, and commanded to go beyond Sea again, nay, my Lord, I had my lodging aſaulted to have murthered me, if they could.

Whitebread. By whom?

Mr. Oats. By Mr. *Whitebread*, and ſome of them.

Whitebread. Who beat you?

Mr. *Oates.* Mr. *Whitebread* did.

Mr. Serj. *Baldwyn.* Was it *Pickering* or *Grove* that had the Flint of his Piſtol looſe?

Mr. Oates, *Pickering.*

Pickering. My Lord, I never ſhot off a piſtol in all my life.

L. C. J. What ſay you to the fourſcore pounds?

Mr. *Oates*, My Lord, I will ſpeak to that, that was given to the four Ruſſians that were to *Kill the King* at *Windſor*; Now, my Lord that money I ſaw.

L. C. J. Where did you ſee it?

Mr. *Oates.* at *Harcourts* Chamber.

L. C. J. Where is that?

Mr. *Oates*, In *Dukeſtreet*, near the *Arch*.

L. C. J. Who was it given by?

Mr. *Oates. William Harcourt.*

L. C. J. did you ſee the four fellows?

Mr. *Oates*, No (my Lord) I never did, nor never knew their names.

L. C. J. Who was the money given to?

Mr. *Oates.* A meſſenger that was to carry it down to them.

L. C. J. Who was that meſſenger?

Mr. *Oates*, One of theirs that I do not know, and I durſt not be too inquiſitive, (my Lord) for fear of being ſuſpected.

L. C. J. Who was by when the money was paid?

Mr. *Oates*, *Coleman* that is executed; and my Lord, there was this Mr. *Fenwick* by, that is the Priſoner at the Bar.

Fenwick. When was this?

Mr. Oates, In the month of *Auguſt.*

Fenwick. Where?

Mr. *Oates*, At *Harcourt's* chamber.

Fenwick. I never ſaw you there in all my life: Are you ſure I was by, when the money was there?

M. *Oates*, Yes, you were.

L. C. J. Mr. *Fenwick*, You ſhall have your time by and by to Ask him any queſtion: Mr. *Oates* let me ask you once again; when there was the appointment made for *Grove* and *Pickering* to *Kill the King*, who ſign'd it?

Mr. Oates, At leaſt forty ſigned it.

L. C. J. Did the other three ſign it?

Mr. *Oates* Yes, my Lord all of them.

L. C. J. Name them.

Mr. *Oates*, There was *Whitebread*, *Fenwick*, and *Ireland.*

L. C. J. And you ſay you went from place to place and ſaw it ſigned.

Mr. *Oates*, Yes my Lord, I did.

L. C. J. Were you attendant upon them?

Mr. *Oates*, My Lord I ever was ſince the year *1666.*

L. C. J. At whoſe Lodging did you uſe to attend upon the Conſultation.

M. *Oates*, At the Provincials chamber, Mr. *VVhitebread.*

L. C. J. Where was it firſt ſigned? Mr. *Oates*, at the Provincials chamber.

Sir *Cr. Levings*. Who carried it from Lodging to Lodging? Mr. *Oates*, I did.

L. C. J. When was it? Mr. *Oates*, The 24th of *April.*

Mr. *J. Bertue*. You ſay you carried the reſult from place to place, pray tell us what that reſult was.

Mr. *Oates*, They knew what it was, for they read it before they ſigned it.

Mr. J. *Atkins*, But tell us the contents of it.

Mr. *Oates*. The contents of that Reſolve was this, (*Ile* tell you the ſubſtance, though I cannot tell you exactly the words) that *Pickering* and *Grove* ſhould go on in their attempts to *Aſſaſſinate the Perſon of the King*, as near as *I* can remember it was ſo, that the former ſhould have 30000 Maſſes, and the Latter 1500 pounds, and the whole conſult did conſent to it, and ſigned the agreement that was made with them, and did reſolve upon the Kings death all in one reſolve.

L. C. J. Where was this agreed upon? at the *White-horſe Tavern?*

Mr. *Oates*, No my Lord, after they had agreed at the *VVoite-Horſe Tavern* that Mr. *Cary* ſhould go procurator to *Rome*, and ſome other ſmall particulars, which I cannot now remember, they did adjourn from the *VVhite-Horſe-Tavern*, and met at ſeveral Chambers, ſome at one place, and ſome at another.

L. C. J. But you ſay *Mico* did draw up the reſolution, where was that?

Mr. *Oates*, At Mr. *VVhitebreads* chamber, for he was *Socius* and Secretary to the Provincial.

L. C. J. Were *Ireland* and *Fenwick* preſent when *Mico* drew it up?

Mr. *Oates*, No my Lord, but they were at their own chambers after it was drawn up there, and ſigned by Mr. *VVhitebread*, and thoſe of the conſult in his chamber, it was carried to the ſeveral conſults.

L. C. J. What all the ſame day. Mr. *Oates*, Yes, my Lord.

L. C. J. And you went along with it. Mr *Oates*, Yes my Lord I did.

Mr. *Juſt. Bertue*. I only ask yon were all the five Priſoners privy to it, or do you diſtinguiſh of any of them, and which?

Mr. *Oates*. They were all privy to it. *Whitebread*. My Lord, we can prove--

L. C. J. You ſhall have time ſufficient to make what defence you can, you ſhall be ſure to have a fair tryal, and be ſtopt of nothing that you will think fit to ſay for your ſelves. Mr. *Oates*, were *Pickering* and *Grove* preſent?

Mr. *Oates*, Yes my Lord, *Grove* at *Fenwicks* Chamber, and *Pickering* at the Provincials chamber.

L. C. J. But they were not required to ſign this, were they?

Mr. *Oates*, after that the whole conſult had ſigned it, and Maſs was preparing to be ſaid for it; before Maſs they did ſign and accept of it.

L. C. J. Where did they two do it?

Mr. *Oates*. At the Provincials chamber.

L. C. J. What day was it.

Mr. That day, for they met all together at the Provincials chamber to receive the Sacrament, and when Maſs was going to be ſaid, one ſaid it was too late, for it was after 12 a clock, but Mr. *Whitebread* ſaid it was not after noon till we had din'd; and you know, Mr. *VVhitebread*, that Maſſes have been ſaid at one or two of the clock in the afternoon.

Mr.

Mr. *Juſt. Atkins.* How many perſons did meet at that Conſult?

Mr. *Oates.* My Lord, there were about forty or fifty, and after they had adjourned into ſeveral leſſer Companies, they met altogether at *Mr. Whitebreads* Chamber.

L. C. J. Where was that, and when? *Mr. Oates.* That day, at *Wild-houſe.*

L. C. J. Where was it that they gave the Sacrament?

Mr. Oates. At a little Chappel at *Wild-houſe*, Mrs. *Sander's.*

L. C. J. Did they accept it before they took the Sacrament?

Mr. Oates, Yes, *Pickering* and *Grove* did ſign it before they took the Sacrament?

Mr. Juſt. Atkins. You tell us of an Oath of Secreſie that was taken, what was that Oath?

Mr. Oates. I cannot give an account of the form of the Oath, but it was an Obligation of Secreſie.

Mr. Juſt. Atkins. Did you ſee the Oath adminiſtred?

Mr. Oates. Yes, my Lord, I did.

L. C. J. Who adminiſtred it?

Mr. Oates. Mr. Whitebread, he did give it unto me, and to all the reſt that were there, and *Mico* held the Book, it was a *Maſs*-book, but they were words of his own invention I believe they were not written down.

L. C. J. Can't you tell what they were?

Mr. Oates. No, my Lord, I cannot tell, becauſe I did not ſee them written down.

L. C. J. If you will ask this Gentleman any thing more, you may.

Whitebread. My Lord, I am in a very weak and doubtful condition as to my health, and therefore I ſhould be very loth to ſpeak any thing but what is true: We are to prove a Negative, and I know 'tis much harder to prove a Negative than to aſſert an Affirmative; 'tis not a very hard thing for a man to ſwear any thing if he will venture his Soul for it; but truly, I may boldly ſay, in the ſight of Almighty God, before whom I am to appear, there have not been three true words ſpoken by this Witneſs.

L. C. J. Do you hear, if you could but ſatisfie us, that you have no Diſpenſation to call God to witneſs a Lye---.

Whitebread, My Lord, I do affirm it with all the Proteſtations imaginable.

L. C. J. But if you have a Religion that can give a Diſpenſation for Oaths, Sacraments, Proteſtations, and Falſhoods that are in the World, how can you expect we ſhould believe you?

Whitebread, I know no ſuch thing.

L. C. Juſt. We ſhall ſee that preſently, before we have done.

Mr. *Oates*, I have one thing more to ſay, my Lord, that comes into my mind. This *Whitebread* received power from the See of *Rome* to grant out Commiſſions to Officers military. And, my Lord, here are the Seals of the Office in Court, which he hath ſealed ſome hundreds of Commiſſions with, which they call Patents.

L. C. J. What were thoſe Commiſſions for? for an Army?

Mr. *Oates.* Yes, my Lord, for an Army.

Whitebread. When were thoſe Commiſſions ſigned?

Mr. Oates. My Lord, ſeveral of them were ſigned in the former Provincials time.

L. C. J. What, I warrant you, you are not Provincial of the Jeſuits, are you?

Whitebread, I cannot deny that, my Lord.

L. C. J. Then there are more than three words he hath ſpoken are true.

Mr. *Juſt. Atkins.* I believe, Mr. *Oates*, that that Army was intended for ſomething, pray what was it for?

Mr. Oates. My Lord, they were to riſe upon the death of the King, and let the *French* King in upon us, and they had made it their buſineſs to prepare *Ireland* and *Scotland* for the receiving of a foreign Invaſion.

L. C. Juſt. Who were theſe Commiſſions ſealed by?

Mr. *Oates.* My Lord, the Commiſſions of the Great Officers were ſealed with the Generals Seal.

L. C. Juſt. Who was that?

M *Oats*, His Name is *Johannes Paulus de Oliva*: His Seal ſealed the Commiſſions for the Generals, Major-Generals, and great Perſons; but thoſe Seals that ſealed the ſeveral Commiſſions to ſeveral inferior Officers, were in the Cuſtody of the Provincial.

L. Ch. Juſt. Can you name any one perſon that he hath ſealed a Commiſſion to?

Mr. Oates. I can name one: To Sir *John Gage*, which Commiſſion I delivered my ſelf.

L. Ch. Juſt. What, of *Suſſex*? Mr. *Oates.* Yes, of *Suſſex.*

Mr. *Juſtice Atkins*, Who did you receive the Commiſſion from?

Mr. Oates. My Lord, when he went over, he left a great many blank Patents to be filled up, and he left one ready ſealed for a Commiſſion to Sir *John Gage*. This was delivered into my hands when he was abſent, but it was ſigned by him, and delivered to me while he was in his Viſitation beyond the Seas, but I dare ſwear it was his hand, as I ſhall anſwer it before God and the King.

Mr. Juſt. Atkins. Who had it you from?

Mr. Oates. From Mr. *Aſhby*, but by *Whitebreads* appointment in his inſtructions which I ſaw and read.

L. Ch. Juſt. What was the Commiſſion for?

Mr. *Oates.* To be an Officer in the Army.

L. Ch. Juſt. Did you ſee the Inſtructions left for *Aſhby*?

Mr. Oates. I did ſee them and read them, and I did then as I always did, give it as my judgment, that it was more ſafe to poyſon the King than to piſtol or ſtab him.

Mr. Juſt. Bertue, Was the Commiſſion which you delivered to Sir *John Gage* from *Aſhby* or from *Whitebread*?

Mr. Oates. I had it from *Aſhby*, but *Whitebread* who was then beyond Sea, had ſigned this Commiſſion before he went. My Lord, I have ſomething more yet to ſay, and that is as to Mr. *Grove*, That he did go about with one *Smith* to gather *Peter* pence, which was either to carry on the Deſign, or to ſend them to *Rome*. I ſaw the book wherein it was entred, and I heard him ſay that he had been gathering of it.

Grove, Where was this? Mr. *Oates.* In *Cock-pit-Alley*, where you know I lodged.

Grove, Did I ever ſee you at your Lodging.

Mr. Oates. You ſaw me at my own door.

L. Ch. Juſt. Why, don't you know Mr. *Oates*?

Grove. My Lord, I have ſeen him before.

Lord. Ch. Juſt. Why this 'tis, ask a Papiſt a queſtion, and ſhall have a Jeſuitical anſwer.

Mr. *Oates.* I will convince the Court that he does know me, by ſome circumſtances. My Lord, in the month of *December* laſt by the Provincials order---

L;

L. Ch. Juſt. I would ask him firſt whether he does know you or no. Do you know Mr. *Oates?*

Grove, I have ſeen him before.

L. *Chief Juſt.* Have you been often in his company? *Grove*, No my Lord.

Lord Chief Juſt. What do you call often? Have you been in his company ſeven or eight times? (for we muſt deal ſubtilly with ſuch as you are,) have you been in his company ten times? *Grove*, No.

Lord Chief Juſt. What ſay you to three times?

Grove, Yes, I believe I have ſeen him twice or thrice.

Lord Chief Juſt. Where? Did you never ſee him at *Whitebreads?*

Grove, As, I hope to be ſaved, and before the eternal God, I did never.

Mr. Oates. I will convince him and the Court, that he does know me, and is well acquainted with me: In the month of *December* laſt I went to St. *Omers*, I went firſt to the then Provincials houſe to take my leave of him, and there I met with Mr. *Grove*, and he appointed to come to my Lodging the next morning, near the *Red Lyon* in *Drury-Lane*, at one *Grigſons* houſe, and he was ſo well acquainted with me then, that he had lent me eight ſhillings to hire the Coach.

Lord Chief Juſt. Did you lend him eight ſhillings?

Grove. I did, my Lord, I do not deny it.

Lord Ch. Juſt. How came you to do it, when it ſeems, if you ſay true, he was a ſtranger to you?

Grove. I thought I ſhould have it again.

Lord Chief Juſt. What, of him? *Grove*, Yes.

Lord Chief Juſt. Did he deſire you to lend him the eight ſhillings?

Grove, Yes, he did my Lord.

Mr. *Oates*, Then there is one time that he confeſſes he ſaw me.

Lord Chief Juſt. Did you not know him before?

Grove, I had no acquaintance with him, I had ſeen him.

Lord Ch. Juſt. How came you then to lend money to one you had no more acquaintance with?

Grove, I knew I ſhould go along with him to the Coach, and then I thought I ſhould have it again.

Lord Chief Juſt. Mr. *Oates*, were you going beyond Sea then?

Mr. *Oates*, Yes, my Lord, I was.

Lord Chief Juſt. Mr. *Oates*, did you pay him that money?

Mr. Oates, No, my Lord I did not.

Lord Chief Juſt. Did you aſk him for the money, and had you it?

Grove, He did not pay it me.

Lord Chief Juſt. How then were you ſure you ſhould have it?

Grove, He did order me to go to ſuch a one for it?

Lord Chief Juſt. Who was that? *Grove*, Mr. *Fenwick*, I think.

Lord Ch. Juſt. Then Mr. *Oates* was known to you all, he was no ſuch ſtranger to you as you would make us believe.

Mr. *Oates*. Thus he confeſſes three times he had ſeen me, once before he lent me the money, another time when he lent it, and the third time the next day. And I will put him in mind of another time when he and I were in company, where one brought us a

Note

Note of what was done in the House of Commons turned into Burlesque, for they used to turn all that was done at the Council, or at the Parliament, or at the Courts in *Westminster-Hall* into Burlesque, and then translated it in *French*, and sent it to the *French* King, for him to laugh at too. But that by the way; twice more he drank in my company at the *Red Pests* in *Wild-street*, and once more when he owned to me that he fired *Southwark*.

Lord Chief Just. Now by the Oath that you have taken, did he own to you that he had fired *Southwark*?

Mr. *Oates*. My Lord, he did tell me that he with three *Irishmen* did fire *Southwark*, and that they had a Thousand pounds given them for it, whereof he had four hundred pounds, and the other two hundred pounds a piece.

Lord Chief Just. Now for *Mr. Fenwick*, do you know *Mr. Oats*.

Fenwick, Yes, my Lord, I do.

Lord Chief Just. Were you well acquainted with him? speak plain.

Mr. Oates, He was my Father Confessor, my Lord.

Lord Chief Just. Was he so? were you his Confessor.

Fenwick, I believe he never made any Confession in his life.

L. Ch. Just. Yes, he hath made a very good one now. Were you of his Acquaintance, Mr. *Fenwick*? speak home, and don't mince the matter.

Fenwick, My Lord, I have seen him.

Lord Ch. J. I wonder what you are made of: Ask a Protestant, an *English* one, a plain Question, and he will scorn to come dallying with an evasive answer.

Fenw. My Lord, I have been several times in his company.

Lord Chief Just. Did you pay eight shillings for him?

Fenwick, Yes, I believe I did.

L. C. J. How came you to do it? *Fenw.* He was going to St. *Omers*.

L. C. J. Why, were you Treasurer for the Society?

Fenw. No, my Lord, I was not.

L. C. J. You never had your eight shillings again, had you?

Fenw. It is upon my Book, my Lord, if I ever had it.

L. C. J. Did Mr. *Oates* ever pay it again? *Fenw.* No, sure he was never so honest.

L. C. J. Who had you it of then?

Fenw. I am certain I had it not from him; he did not pay it.

L. C. J. How can you tell you had it then?

Fenw. I do suppose I had it again, but not of Mr. *Oates*.

L. C. J. Had you it of *Ireland*?

Fenw. I do not know who *I* had it of, my Lord, nor certainly whether I had it.

L. C. J. Why did you not ask *Mr. Oates* for it? *Fenw.* He was not able to pay it.

L. C. J. Why did you then lay it down for him? *Fenw.* Because I was a Fool.

L. C. J. That must be the conclusion always: when you can't evade being proved Knaves by answering directly, you will rather suffer your selves to be called Fools.

Fenw. My Lord, I have done more for him than that comes to; for he came once to me in a miserable poor condition, and said, I must turn again and betake my self to the Ministry to get Bread, for I have eaten nothing these two days: And I then gave him five shillings to relieve his present necessity.

Mr. *Oates*. My Lord, I will answer to that, I was never in any such streights, I was ordered

ordered by the Provincial to be taken care of by the Procurator.

Fenw. You brought no such order to me.

Mr. *Oates.* Yes, Mr. *Fenwick*, you know there was such an Order, and I never received so little in my life as five shillings from you: I have received 20 and 30 and 40 shillings at a time, but never so little as five.

L. C. J. You are more charitable than you thought for.

Fenw. He told me he had not eaten a bit in two days.

Mr. *Oates*, I have indeed gone a whole day without eating, when I have been hurried about your Trash; but I assure you, my Lord, *I* never wanted for any thing among them.

L. C. *Just.* Perhaps it was Fasting-day.

L. *Ch. Baron*, My Lord, their Fasting-days are none of the worst.

Mr. *Oates.* No, we commonly eat best on those days.

L. C. J. Have you any thing to ask him any of you?

Whitebread, My Lord, will you be pleased to give me leave to speak for my self.

Mr. *Just. Atkins*, It is not your time yet to make your full Defence, but if you will ask him any Questions you may.

Whitebread. I crave your mercy, my Lord.

L. C. J. Will you ask him any Questions?

Fenw. Did not you say that you were at my Chamber the 24th of *April* with the Resolve of the Consult?

Mr. Oates. That Resolve I did then carry to your Chamber.

Fenw. Then was he himself at St. *Omers.*

L. C. J. The difference of *old stile* and *new stile* may perhaps make some alteration in the circumstance.

Whitebread. But, my Lord, he hath sworn he was present at several Consultations in *April* and *May*, but from *November* till *June* he was constantly at St. *Omers.*

L. C. J. If you can make it out that he was at St. *Omers* all *April* and *May*, then what he hath said cannot be true.

Iceland. He himself hath confessed that he was at St. *Omers.*

L. C. J. If you mean by Confession, what stands upon the Evidence he hath given, I'le remember you what that was. He says he came to St. *Omers.*

Mr. *Oates.* Will your Lordship give me leave to satisfie the Court: In the month of *December* or *November*, I went to St. *Omers*; I remained there all *January*, *February*, *March*, and some part of *April*: Then I came over with the Fathers to the Consult that was appointed the 24th of that month.

Fenw. Did you go back again? Mr. *Oates.* Yes.

Fenw. When was that?

Mr. *Oates.* In the month of *May*, presently after the Consult was over.

Fenw. And we can prove by abundance of Witnesses that he went not from St. *Omers* all that month.

L. C. J. You shall have what time you will to prove what you can; and if you can prove what you say, you were best fix it upon him; for he saith he was here at the Consults in *April* and *May*; if you can prove otherwise pray do.

Fenw. We can bring an Authentick Writing (if there be any such) from St. *Omers* under the Seal of the Colledge, and testified by all the Colledge, that he was there all the while.

Lord

L. C. J. *Mr. Fenwick* that will not do; for the first, if it were in any other case besides this, it would be no evidence, but I know not what you cannot get from *St. Omers*, or what you will not call Authenthick.

Fenwick, Does your Lordship think there is no Justice out of *England*?

L. C. J. It is not, nor cannot be Evidence here.

Fenwick, It shall be signed by the *Magistrates* of the Town.

L. C. J. What there? *Fenwick*. Yes there.

L. C. J. You must be tryed by the Laws of *England*, which sends no piece of Fact out of the country to be tryed.

Fenwick, But the evidence of it may be brought hither.

L. C. J. Then you should have brought it, you shall have a fair Tryal; but we must not depart from the Law or the way of Tryal, to serve your purposes. You must be tryed according to the Law of the Land.

Mr. *J. Atkins*, Such evidences as you speak of, we would not allow against you; and therefore we must not allow it for you.

Whitebread, May this Gentleman be put to this, to produce any two Witnesses that see him in town at that time.

Mr. *Oates* I will give some circumstances and what Tokens I have to prove my being here: Father *Warner*, Sir *Tho: Preston*, Father *Williams*, and Sir *John Warner*, they came hither with me from St *Omers*, there was one *Nevil*, *&c.* I cannot reckon them all.

L. C. J. You have named enough.

Mr. *Oates*, But to convince them, there was a Lad in the house that was got to the end of his Rhetorick; this Lad was whipt and turned out of the house, and had lost all his money Father *Williams* did re-imburse this Lad in order to his bringing home, I think the Lads name was *Hilsey*, or some such name. And we came up to *London* together.

L. C. J. What say you to this circumstance?

Whitebread, My Lord, he knew that two such came to Town, but he was not with them.

L. C. J. You are now very good at a negative I see, how can you tell that?

Whitbread, My Lord, he could not come.

L. C. J. How can you tell he could not come,

Whitebread, *I* can tell it very well, for he had no order to come nor did come.

L. C. J. How can you undertake to say that he did not come?

Whitebread, Because he had no order to come.

L. C. J. Is that all your reason, where were you then?

Whitebread, I was here.

L. C. J. How do you know he was not here.

Whitebread, He had no orders to come.

L. C. J. Have you any other circumstance Mr. *Oates* to prove that you were here then?

Mr. *Oates*, My Lord, when I came to *London*, I was ordered to keep very close, and *I* lay at *Mr. Groves* House, let him deny it if he can, I'le tell you who lay there then.

Groves. Did you ever lye at my house.

Mr. *Oates*, There lay a Flaxen Hair'd Gentlemen, I forgot his name, but Ile tell you who lay there besides; that is *Strange*, that was the late Provincial.

L. C. J. Did *Strange* ever lye at your house? *Groves* Yes, my Lord he did

L. C. J. Did he lye there in *April* or *May*? *Grove*, No, he did not in either of them.

L. C. J. You will make that appear. *Grove*, Yes, that I can by all the House.

L. C. J.

Att. G. Did you obſerve the wound?

Mr. *Skillard.* Yes, I did. It went in at one place and ſtopt at a Rib, the other place it was quite through the body.

Att. G. Do you think he was killed by that wound?

Mr, Skillard. No, for then there would have been ſome evacuation of blood, which there was not. And beſides his boſome was open, and he had a flannel waſtcoat and a ſhirt on; and neither thoſe, nor any of his clothes were penetrated.

Att. G. But are you ſure his neck had been broken? Mr. *Skillard*, Yes I am ſure.

Att. G. Becauſe ſome have been of opinion, that he hanged himſelf, and his Relations to ſave his eſtate run him through; I would deſire to ask the Chyrurgeon what he thinks of it.

Mr. Skillard. There was more done to his neck than an ordinary ſuffocation; the wound went through his very heart, and there would have appeared ſome blood, if it had been done quickly after his death.

Att. G. Did it appear by the view of the body that he was ſtrangled or hanged?

Mr. Skillard. He was a lean man, and his muſcles if he had died of the wound, would have been turgid: and then again all ſtrangled people never ſwell, becauſe there is a ſudden deprivation of all the ſpirits, and a hindring of the Circulation of the blood.

Att. G. How long do you believe he might be dead before you ſaw him.

Mr. *Skillard.* I believe four or five days. And they might have kept him a week and he never ſwell'd at all, being a lean man. And when we ript him up, he began for to putrify, we made two inciſions to give it vent, and the liquor that was in his body did a little ſmell. The very lean fleſh was ſo near turned into putrefaction, that it ſtuck to the Inſtrument when we cut it.

Recorder, My Lord here is another Chyrurgeon, Mr. *Cambridge*; Pray Sir are you ſworn.

Mr. *Cambridge.* Yes, I am.

Recorder. When did you ſee the body of Sir *Edmondbury Godfrey.*

Mr. Cambridge, Upon friday, the very ſame day the Gentleman did. I found his neck diſlocated, and his breaſt very much beaten and bruiſed. And I found two punctures under his left pap, the one went againſt the Rib, the other quite through the body under the left pap.

Attor. Gen. Do you believe that wound was the occaſion of his death?

Mr. Cambridge, No, I believe it was given him after his death.

L. C. J. And his neck was broke? *Mr. Cambridge*, His neck was diſlocated, Sir.

Attor. Gen. Why, that is broken. Now my Lord we ſhall call Sir *Edmundbury Godfrey's* maid, *Elizabeth Curtis*, ſwear her. Which was done.

Recorder, Your Lordſhip knows that *Mr. Prance* did ſay in the beginning, that they had been ſeveral times at his houſe inquiring for him: now we call this perſon to tell you what ſhe knows about that.

Att. G. Elizabeth Curtis, look upon the priſoners and tell my Lord and the Jury whether you know any of them, or no?

Elizabeth Curtis, This man that I now hear call'd *Green*, my Lord, was at my Maſters about a forthnight before he died.

L. C. J. What to do?

Elizabeth Curtis, I don't know, but he asked for Sir *Edmund-bury Godfrey.*

L. C. J. What time of the day was it? *Eliz. Curtis.* It was in the morning.

Attor. Gen. What did he ſay?

Elizebath Curtis, He asked for Sir *Edmoundbury Godfrey*, and when he came to him, e ſaid, Good morrow, Sir, in *Engliſh*, and afterwards ſpoke to him in *French*, I could ot underſtand him.

Mr. *Rec.* I deſire ſhe may conſider well, and look upon him.

Elizabeth, Curtis. That is the man.

Green Upon my Soul I never ſaw him in all my life.

Eliz. Curtis, He had a darker coloured Perriwig when he was there, and was about quarter of an hour talking with my maſter.

Mr. Att. G. Are you ſure this was the man?

Eliz. Curtis, Yes, I am, and that other man *Hill* was there that Saturday morning, and id ſpeak with him before he went out.

L. C. J. That you will deny too? *Hill*, Yes, I do.

L. C. J. How do you know he was there?

Eliz. Curtis I was in the Parlor at that time, making up the fire.

L. C. J. Had you ever ſeen him before that time?

E. Curtis, No, never before that time. I went into the Parlor to carry my maſter his reak-faſt, and brought a bunch of Keys with me in, and there *Hill* was wth him. And went up ſtairs about ſome buſineſs, and came down again wanting the Keyes, which I had eft upon the Table; and *Hill* was all that time with my Maſter.

Mr. *Sol. G.* How do you know he was there?

E. *Curtis*, I was in the parlor and ſtirred up the fire, and he was there a good while.

J. *Jones*, How long after did you ſee him again?

E. *Curtis*, Not till I ſaw him in *Newgate*.

Juſt. J. How long was that afterward?

E. *Curtis*, A month ago: But it is not the man that brought the note to my maſter.

Att. G. What note?

E. *Curtis*, A note that a man brought to my maſter that night before.

Att. Gen. What is become of that Note?

E. *Curtis*, My Lord, I cannot tell, my maſter had it.

Att. G. Prithee, tell us the ſtory of it.

E. *Curtis*, There was a man came to my maſters houſe, and aſked if Sir *Edmund-bury Godfrey* were within. He ſaid he had a Letter for him; and ſhewed it me, it was tied up n a knot. I told him my maſter was within, but buſy, but ſaid I if you pleaſe I will carry t into him: He did ſo, and I gave it to my maſter; when I went out again the man ſtay-d and asked for an anſwer; I went in again and told my maſter that the man required n anſwer. prithee, ſaid he, tell him *I* don't know what to make of it.

J. *Wild.* When was that? E. *Curtis*, On Friday night.

J. *Wild*, When? The Friday night before he was murdered?

E. *Curtis*, Yes

Att. G. But you Swear that *Hill* was there the Saturday morning.

E. *Curtis*, Yes he was. Mr. *Sol. G.* In what Clothes was he then?

E. *Curtis.* The ſame Cloathes that he hath now.

J. *Wild*, Are you ſure they are the ſame Clothes? E. *Curtis*, Yes.

Mr. Sol. G. Here is a great Circumſtance my Lord, I aſked her what Clothes he was n when he came to Sir *Edmund-burie's* and ſhe ſaith, the ſame that he hath now.

L. C. J. Have you ever ſhifted your Clothes?

Hill,

Hill, No indeed, *I* have not.

E. *Curtis*, But for the man that brought the Note I cannot Swear it is he.

Hill, But she did say when she came to see me in *Newgate*, that she never saw me in my life; and my Lord I hope *I* have sufficient Witnesses to prove where *I* was that morning

L. C J. She says, she cannot Swear you were the man that brought the Note.

Hill, my Lord, I desire she will tell me about what time it was I was there.

E: *Curtis*, It was about 9 or 10 a Clock.

Mr. *Att: Gen:* That agrees with Mr. *Praunces* exactly in point of time. Now if your Lordship please, we will proceed and call Mr. *Lancelot Stringer*, and *Mr. Vincent*.

Mr. Recorder, my Lord, we do call these Witnesses to prove, that these men had meetings with Mr. *Praunce* at the plow

[*Then was* Lancelot *Stringer sworn*.]

Mr Recorder, Pray tell my Lord and the Jury whether you know *Mr. Praunce*.

L. Stringer, Yes, Sir, I do.

Mr. *Recorder*, Have you seen him at the *Plow* at any time?

L. *Stringer*, Yes, Sir, I have.

Mr Recorder, In what company there? Was *Mr. Green* there?

L. Stringer, Yes, he was. *Mr: Recorder* Which was he? *He points to him.*

Mr: *Recorder*, And who else? *L. Stringer*, There was that *Hill*.

Mr: *Att. Gen.* How often, *L. Stringer*. Several times.

L: C. J: How long before Sir *Edmondbury Godfrey* was murdered?

L. Stringer. I cannot tell, my Lord.

L: C: J. Do you remember any other company was with him?

L, *Stringer*. Yes, there were several other company.

Mr. *Recor*, Name them. L. *Stringer:* There was Mr: *Fitz-Girald* and Mr: *Hill*.

Mr: *Att. Gen.* And yet *Hill* saith he never saw *Girald*.

L: *Stringer*, And there was *Kelly*, he was another of them, and *Praunce*.

L: *C:* J: Did you know *Vernatt*? L: *Stringer*. Yes, my Lord.

L: C: J: How now? What say you to it Mr: *Hill*, and Mr: *Green*? Were you never at the *Plow*, drinking with *Mr: Praunce*? *Hill*, Yes, my Lord, several times.

L: C: J: What say you, Mr: *Green*? *Green*, I have drank with him there.

L: C: J: Do you know *Girald*? *Hill* I know one *Girald*.

Sol. G. Now will your Lordship please to let me prove, that at the Council he owned he knew *Girald* and *Kelly*, and now 'tis prov'd he hath been in *Kelly's* company, he says he does not know *Girald*.

Hill, My Lord, that was a mistake, for I do know *Kelly* by sight, that is, I knew two Men that used the Chappel very much, and he was one of them,

L: C: J. But you, Witness, say you have seen *Girald* and them together?

L. *Stringer*, Yes, *I* have.

L. C J. How many times?

L. *Stringer*. I cannot tell how many, my Lord, several times.

L. C. J. Have you seen them twice together? L. *Stringer*. Yes I have.

Mr. Recorder. Now to settle it I would ask him, with your Lordships favour, when he came to live with his master. You, young man, when did you come to live with your master at the *Plow*?

L. Stringer. Why, I have been with him two years.

Mr. *Rec.* But when was it you came laſt to live at the *Plow*?

L. *Stringer.* *In Bartholomew*-tide laſt.

Mr. *Rec.* It was but five Weeks before Sir *Edmondbury Godfrey* was murdred.

L. C. J. Do you, *Green*, know mr. *Girald*? *Green*, Yes I do.

Mr. *Recorder*, Then pray ſwear mr. *Vincent*. [*Which was done*?

Mr. *Rec.* Com, pray Sir, do you live at the *Plow*? *Vincent*. Yes, I do.

Mr. *Rec.* Then pray, do you tell my Lord and the Jury, if you know any of the priſoners at the Bar, and which of them. *Vincent*, I know mr. *Green*.

Mr. *Recorder*, Do you know any body elſe?

Vincent. Yes, I know *Hill*, and I know mr. *Berry*

Mr. *Rec.* Have you ſeen theſe perſons at your houſe? *Vincent*. Yes *I* have.

L. C. J. With whom? *Vincent*. I can't tell every body with whom they were.

L. C. J. Were they there with *Praunce*? *Vincent*. Yes, Sir.

L. C. *J*. Did you know one *Girald*? *Vincent*. Yes Sir.

L. C. *J*. Hath he been at your houſe? *Vincent*. Yes Sir, he hath.

L. C. *J*. Who was with him? *Vincent*. I cannot tell juſtly.

L. C. *J*. Did you know *Kelly*? *Vincent*. Yes I did.

L. C. J. Hath he been there? *Vincent*, Yes, he hath.

L. C. J. In What Company? *Vincent*, With *Praunce*.

L. C. J. And with any of the priſoners?

Vincent, Yes, but I can't tell particularly with whom.

Mr. Att. G. Now, my Lord, as theſe were meetings before the fact was committed to conſult how to do it; ſo we at the beginning told you of a meeting after it was done, & that was at *Bow*. We ſhall therefore call ſome witneſſes as to that; and they are *Richard Cary*, and *William Evans*. Firſt ſweat *Richard Cary*. [*Which was done.*

Mr Recorder, Do you remember you were ſent of a meſſage from the *Queens-Head* at *Bow*, and whither? pray tell my Lord, and the jury?

Cary, I remember it very well; there were three Gentlemen that ſent for me to the *Queens-Head*, & I being ſent for did come, & when I came up ſtairs, they asked me if I knew *Poplar*, I ſaid I knew it very well. Then they asked me if I knew mr. *Dethick*, I told them I thought I did. Then ſaid they, you muſt carry this leter to *George Dethick*, Etq: at *Poplar*, and deliver it to his own hands, and to nobody elſe. Accordingly away I went, and carried the letter, I went to the door, and asked if he were within; his man ſayd he was above ſtairs, but they would call him to me; and calling him to me, Sir ſaid I, there are ſome Gentlemen at the *Queens-Head* at *Bow* that have ſent me with a letter to you. *So* he looked upon the letter, and, ſaith he, go and tell them *I* will be with them preſently. So, may it pleaſe you my Lord, I came again, and when I came, the Gentlemen were there ſtill. Well, ſaid they, go and drink a glaſs of Claret, which ſtood upon the table, and they gave me Six pence, and I went away.

Mr. *Recorder*, Pray look upnn mr. *Praunce*, can you remember whether that man was there?

Cary, There were three of them, and he looks like one.

Mr. *Recorder*, mr. *Praunce*, do you remember this was the man you ſent?

Mr. *Praunce*, Yes, my Lord, this was the ſame man that was ſent.

L. C. J. Well, call the other.

Then

[*Then* William Evans, *the Boy of the House at the* Queens-Head *was sworn.*]

Recorder. Hark you, do you remember any Company that was at your masters house two or three months agon?

W. Evans. Yes, I do.

Recorder. Do you remember that you heard them talk any thing there?

W. Evans. They pulled out a paper and read it.

L. C. J. You Boy, do you know mr. *Detbick*? *W. Evans.* Yes, I do.

L. C. J. Was he there? *W. Evans.* He did come to them, my Lord.

Recorder. What had they to dinner there? *W. Evans.* They had Flounders.

Recorder. Who bought them? *W. Evans.* One of them, I can't tell who.

Recorder. What had they else? *W. Evans.* A Barrel of Oysters.

Recorder. Pray give my Lord an accompt what you observed and heard.

W. Evans. Sir, I know nothing but that they pulled out a paper, and read it, and named Sir *Edmondbury Godfrey*'s Name. And while I was at the door, some body came and threatned to kick me down stairs.

L. C. J. He saith just as mr. *Praunce* said in every particular.

Attorn. Gen. Now if it please your Lordship, we desire to call Sir *Robert Southwell*, to prove what mr. *Praunce* said before the Council, and how particular he was; and did to some of the Lords, who were sent with him to *Somerset-house*, point out the places.

Sol. Gen. We call him to shew, that when *Praunce* was examined before the King, he was sent with some of the Lords, and Sir *Robert Southwell*, to *Somerset-house*, where he pointed with his finger, and shewed the places where all was done, and so we shall shew your Lordship and the Jury, how exact he was in every thing.

Then Sir Robert Southwell *was sworn.*

Recorder. Pray Sir *Robert*, will you tell your knowledge?

Sir *Robert Southwell.* My Lord, I was upon the twenty fourth of *December* waiting upon His Majesty in Council, and mr. *Praunce* was sent for, to speak his knowledge concerning this murder, & he then gave a general Account of things, which, because it did relate to that Bench, and this Corner, and that Room, and that passage, and that Gallery, it was not understood by the Board, and thereupon His Majesty thought fit to appoint my Lord Duke of *Monmouth*, and the Earl of *Offory*, and Mr. *Vice-Chamberlain* to the Queen, to go thither, and take the Examination upon the place, and Report it to the Board: And I, being Clerk of the Council, though not in waiting at that time, and having taken notice of what mr. *Praunce* had there deposed, I did wait upon those Lords, and took the Examination upon the place. And what I did take upon the place, This was done here, and that there, I drew up into a Report, and the Report is signed by those two Noble Lords, and was read that afternoon at the Board; and to that I refer my self.

Att. Gen. Pray Sir *Robert*, did he shew the particular places to those Lords?

Sir *Robert Southwell.* Yes, he did. First, the Bench whereon they were sitting when Sir *Edmondbury Godfrey* was coming down; then the Corner into which they drew him when they had strangled him; then the place where one *Berry* went to stay, which was at the stairs that lead to the upper Court, then a little door at the end of the Stables, which lead up a pair of stairs, and at the head of the stairs a long dark Entry, and at the top of those stairs, a door on the left hand, which being opened, shew'd us eight steps, which lead up to the Lodgings that were Dr. *Gedwins*: in which *Hill* was said to be inhabitant

for

for seven years before. And assoon as we were gone two steps, there was a little Closet or Cabinet on the right hand, in which there was a Bed, and there he shewed my Lords, This is the place where we handed him up first, and here we left him, said he, in the care of *Hill* for two nights.

Justice Wild. You were there, Sir *Robert Southwell* upon the place, when he shew'd them these things?

Sir *Robert Southwell.* Yes Sir, I was there.

Justice Wild. Was it answerable to what he had declared to the King and Council?

Sir *Robert Southwell.* Yes, it was answerable to all things he had said in the morning.

Justice Jones. And suitable to what he says now?

Sir *Robert Southwell.* Yes, suitable to what he says now, but only now he says more than he said then. And as to what he says about the Chambers of Sir *John Arundell*, they could not be Sir *Johns* lodgings, for they were not capable of receiving a person of that Quality.

Mr. Praunce. I said, I did believe they did belong to Sir *John Arundell.*

Lord Chief Justice. They were Lodgings perhaps that belong'd to his Servants, though not to him.

Attorn. Gen. Sir *Robert*, I desire to know, whether mr. *Praunce*, when he shewed these places, and made these Descriptions, did he do it with any hesitancy, or did he do it readily?

Sir *Sobert Southwell.* Hitherto, my Lord, he went directly and positively, as if any body would walk to *Westminster-Hall* door. But afterwards, when the Lords did desire to know whither the Body was carried, he said, it was into some Room of the house by the Garden; for this is an outer part of the House, which any body may do any thing in, without their knowledge that are within. And he undertook to lead them to the place as well as he could; and so away we went through the long dark Entry that leads into the outer Court of the great house; and crossing the Quadrangle, he leads us to the *Piazza*, and down a pair of stairs, and so far, said he, I am sure I went; then, assoon as we were down the Stairs, there is a great square Court, then he began to stagger, as if he did not know his way, but there was no way but to go on however, and on we went, and coming cross the Court, we came into several Rooms, and going through them, we came up stairs again, and so into several other Rooms again. Sure, said he, we were here, but I can't tell, and he was in a great Distraction what Room he saw the Body in; but, said he, thus far, I am certain I am right; which was according to the paper, and I refer my self to that.

Mr. Justice Wild. But, you say, that what he had said to the Lords in the Council, was the same that he said when you were by upon the place. Sir *Rob. Southwell.* Yes.

Lord Chief Just. His doubtfulness of the Room does assert, and give Credit to his Testimony, and confirms it to any honest man in *England*. Here, saith he, I will not be positive, but having sworn the other things which he well remembred, positively, he is made the more credible for his doubtfulness of a thing which he does not remember, which a man that could swear any thing would not stick at.

Justice Jones. Besides, he was not there but by night, and all the light he had was a dark lanthorn.

Sol. Gen. Now, *Sir Robert*, I would ask you one Question, if you please, Do you remember that *Hill* was examined at the Council about this matter?

Sir

Sir Robert Southwell, My Lord, these are the Notes that I took upon these mens Examinations, if your Lordship pleases they may be read.

Mr. *Recorder*, Sir *Robert*, We ask you but as to one particular thing, therefore if you please to look upon it, and refresh your memory, you may read it to your self, and tell us only the substance; which he did.

Mr. *Sol. Gen.* Now Sir, if you please, Do you remember that *Hill* was there?

Sir Robert Southwell. Yes *I* find he was examined.

Mr. *Sol. Gen.* Did not he deny there that he knew *Kelly*, but that he knew *Girald*?

Sir Robert Southwell. Yes, I do find it here set down that he did deny he knew *Kelly*, but that he knew *Girald*. *Hill.* I said I knew one *Girald*, but not that.

Mr. *Recorder*, But before the Council he said he knew *Girald*, not one *Girald*.

L. C. J. This way of answering is like the examination that was taken lately amongst some of them. A person was asked when he saw such a priest? He denied that he had seen him in fourteen dayes. But then comes on and proves to his face, that he was with him in company all night, within a week and less. I, says he, that's true, but I said I had not seen him in fourteen dayes. And so they may take their Oaths to serve the King faithfully all the dayes of their lives, but in the Night, they may murther him, and keep their Oaths for all that.

Just: Dolben, I would know, whether the *Girald* you know be a priest or no?

Hill. He is not.

J. Dolben, Then you do not know *Girald* the priest? *Hill*, No, I do not.

Recorder, Call Mr. *Thomas Stringer*. And he was sworn

Recorder, Pray Mr. *Stringer*, will you tell my Lord and the Jury what it was that Mr. *Berry* said about any directions he had to keep all persons out of *Somerset-House*, about the twelfth or fourteenth of *October* last?

Mr. T. *Stringer*. My Lord, upon his examination before the Lords of the Committee, *Berry* did say he had Orders from the Queen, or in the name of the Queen, that he should suffer no Strangers, nor any persons of quality to come into *Somerset-House*.

Att. Gen. When was it he was to keep them out?

Mr. T. *Stainger*. The 12th 13th and 14th of *October*. *Att. Gen.* What three days?

Mr. T. *Stringer*. Two or three days. And he said that the Prince did come, and he did refuse him, and sent him back again.

Mr. Recorder. Did he say he ever had any such directions before?

Mr. T. *Stringer*. No: he said he never before had any.

L. Ch. Just. It was a very unlucky thing that he had it then.

Berry. The Prince might have gone in if he would.

Mr. T. *Stringer*. You said you did refuse him, you had order to let none come in.

L. Ch. Just. Had you any such Order?

Berry. Yes, my Lord, *I* had such an Order from the Queen's Gentleman-Usher.

L. Ch. Just. Had you never had such before?

Berry. Yes I have had before since the Queen came to *Somerset-House*.

L. Ch Just. Mr. *Stringer* swears you said you had not any before. *Berry* Yes I had.

L. Ch. Just. Why did you deny it then?

Berry. I did not deny it; besides, there were several went in.

Mr. *Recorder.* We have proved indeed, five or six did go in.

L. C. J. For how many days had you that Order? *Berry.* Two days

L. C.

L. C. J. Which two days? *Berry.* The 11th, and 12th, I think thereabouts.

Recorder. Did you say before the Lords, that you never had such Orders before?

Berry. No, I did not.

L. C. J. Mr. *Berry*, When you were examined before the Lords, did you not say you never had such Orders before?

Berry. No, I did not say so, my Lord, as I know of; for they did not examine me about that.

L. C. J. You said you would prove it under his own Hand. Prove that.

Att. Gen. Mr. *Stringer*, did he write his Name to his Examination?

Mr. *T. Stringer.* Yes, he did to one Examination.

Att. Gen. Pray look upon that, Is that his Hand?

Mr. *T. Stringer.* This was read to him before he signed it, and then he did sign it.

Att. Gen. I would fain shew it to him, to see whether he would own it or no.

Berry. Yes, that is my Hand.

Then the Clerk of the Crown read it.

Clerk of the Crown. This is subscribed by *Henry Berry.* The Information of *Henry Berry*, Porter at the Gate of *Somerset-house*, taken before the Right Honourable the Marquess of *Winchester.* This Deponent saith, That about the 12th, 13th, and 14th of *October* last, he had Order to tell all persons of Quality, that the Queen was private, and that they were not to come in; and this Deponent saith, The Queen continued so private for two days.

Lord Chief Just. Where is that part of the Examination wherein he said, he never had any such Order before?

Mr. *T. Stringer.* He did say so, but it is not in that that hath his Hand to it;

Just. Wild. Pray, my Lord, observe this is a kind of reflecting Evidence, and I would have no more made of it than the thing will bear.

L. C. J. They only bring it, and make use of it against *Berry*, as a pretence of his.

Just. Wild. But it is a very reflecting Evidence.

Att. Gen. Surely there is no body here that offers it as such: We use it only to this purpose, to shew that *Berry*, who was a party to this murder, did use all the means that he could to keep it private; and endeavoured to prevent Strangers coming in that night to discover it, and therefore pretended these Orders.

If he had any such Orders, I suppose he will prove them, we do not say he had them; but 'tis a great Evidence, when he pretended to such privacy, that he and his Fellow had something to do that was not fit to be known by every body.

Record. He may make use of any bodies Name, and pretend what he will; but I suppose he will prove it from the Gentleman-Usher, if it be true.

Att. Gen. We have one Witness more to call, my Lord, and that is one *Farr.*

Call *Stephen Farr.* Which was done, and he sworn.

Att. Gen. He is a Neighbour to *Berry*, and will give your Lordship an Account what Applications have been made to him, to tamper with him for money, to keep away, and not give Evidence in this Cause. Pray Sir, are you *Mr. Berry*'s Neighbour?

Farr. Yes Sir, I am.

Att. Gen. Pray then tell what you know.

Farr. I know him very well, his Wife hath been with me last Week, and asked me If I knew what time he was with me on *Wednesday*, the 16th of *October.* I desired time

to recollect my ſelf: And ſhe called four or five times after, and I did recollect my memory and told her, That I was not with him at all that *Wedneſday*.

L. C. J. Why, this was reaſonable, and fair enough to do.

Att. Gen. It was ſo, my Lord, but pray had you no money offered you?

Farr. No Sir, none at all; and *I* told her I could not remember that *I* was with him that day.

Berry. But you may remember it very well, when I came from the Queen I came to you.

Farr. My Lord, I was out of Town that *wednesday*, from two a clock in the afternoon, till nine at night.

L. Ch. Juſt, Well, well, this is nothing: The Woman was willing if ſhe could, to have counterproved the Evidence, and what ſhe did was fair; ſhe offered no money, nor did it in an indirect way.

Att. Gen. My Lord, we have now done with our Evidence for the King, and leave it till we hear what they ſay.

L. Ch. Juſt. What do you ſay for your ſelves, you ſhall have all the free liberty you will deſire?

Hill. In the firſt place, I take God to be my Witneſs, that I am wholly innocent, as to the matter that is charged upon me: And as to what is ſaid, that I dogg'd Sir *Edmondbury Godfrey*; I can prove that I went into my lodging at eight a clock, and did not ſtir out.

L. Ch. Juſt. Come, call your Witneſſes.

Hill. *Mary Tilden*, *Katharine Lee*, Mrs. *Broadſtreet*, and *Daniel Gray*.

L. Ch. Juſt. Let them come in there.

Then Mary Tilden *was firſt examined.*

Att. Gen. This is Doctor *Godwin*'s Niece, and his Houſe-keeper.

L. Ch. Juſt. Well, what do you ask her?

Hill. I deſire to know what you can ſay about my being in my lodging, and not going out.

Mary Tilden. He hath lived in our Family ſeven or eight years.

L. C. J. Your Family, What is your Family? *Mary Tilden.* With my Uncle.

L. C. J. Who is your Uncle?

Mary Tilden. Doctor *Godwin*; we left him in the Houſe always when we were abſent from it, he was always a truſty Servant, never kept ill hours, always came home by eight a clock at night.

Juſt. Dolben. Always, for how long?

Mary Tilden. Ever ſince we came over laſt into *England*.

Juſt. Dolben. When was that? *Mary Tilden.* In *April* laſt.

L. C. J. Were you there that night Sir *Edmondbury Godfrey* was kill'd?

Mary Tilden. I was.

L. C. J. What night was that?

Mary Tilden. I don't know, my Lord, I heard of it in the Town.

L. C. J. When did you firſt hear of it? *Mary Tilden.* The *thurſday* that he was found.

L. C. J. Did you not hear of it on the *Wedneſday*? *Mary Tilden.* Yes, I did.

L. C. J. Who could tell you the *Wedneſday* before?

Mary Tilden. Why, my Lord, in the Town it was ſaid he was miſſing from Saturday and a Thurſday he was found.

L. C. J. What can you say concerning *Hill*, that he was not out after eight a Clock that night?

Ma. Tilden. he was a very good Servant to my Unkle, & never keep ill hours, but always came in by eight a Clock or before.

Mr. *Justice Dolben.* Were not you out your self that night?

Mary Tilden, No not I, never out after that hour.

L. C. J. Pray how can you give such an accompt of Mr. *Hill*, as if he was always in your company?

Mary Tilden, He came in to wait at Table, and did not stir out afterwards.

L. C. J. Pray what Religion are you of? are you a Papist?

Mary Tilden, I know not whether come here to make a profession of my Faith.

L. C. J Are you a Roman Catholick? M: *Tilden.* Yes.

L. C. J. Have you a dispensation to eat Suppers on Saturday-nights.

Mr. Rec: I hope you did not keep him company after Supper all night.

Mary Tilden. No I did not, but he came in to wait at Table at Supper.

L. C. J. I thought you had kept fasting on Saturday nights.

Mary Tilden. No, my Lord, not on Saturday-nights.

Mr. *J. Jones.* How many Dishes of Meat had you to Supper?

Mary Tilden, We had no Meat, though we did not fast.

L. C. J. Can you speak positively as to this night, the Saturday that he was kill'd?

Mary Tilden, He was at home that night.

L. C. J. And were was he the Sunday?

Mary Tilden, He was at home.

L. C. J. And you are sure he was at home every night?

Mary Tilden. Yes, while were in Town.

L. C. J. Where was you all that Wednesday-night you speak of?

Mary Tilden. I was at home in my Lodging.

Mr. J. *Wild.* How is it possible for you to say, that *Hill*, who was not your constant Companion, did not go out afterwards?

M: *Tilden*, No, he was not my constant Companion.

J. *Wild.* How then can you charge your memory that he was at home?

L. C. J. Come, you are to speak truth, though you are not upon your Oath, can you charge your memory to say, that he came in constantly at eight a clock at night?

Mary Tilden, Yes, I can, because I saw him come in constantly; and when he came in I always sent my maid to bar the door.

L. C. J. Maid can you say that he was always at home at night.

Mary. Tilden, I can say he never was abroad after eight at night.

M. *Recorder.* Why you did not watch him till he went to bed, did you?

Mary Tilden, We were always up till eleven a clock at night.

Mr. *Att.* G. Was he in your company all that while?

Mary Tilden I beg your Pardon; if your Lordship saw the Lodgings, you would say it were impossible for any to go in or out, but that they must know it within. We were constant in our hours of going to Supper, our doors were never opened after he came in to wait at Supper.

L. C. J. You may say any thing to a Heretick for a Papist.

Mr. J. *Dolbin*, This is a mighty impropable business.

Mr.

Mr. J. *Wild.* VVhere was he a VVednesday-night? Ma: *Tilden*, At home.

L. C. J. They have a general answer for all Questions,

Mr. J. *Jones*, VVho kept the Key of your Lodgings? *Mary Tilden*, The maid.

Mr. J. *Jones*, Hath *Hill* never kept the Key? Ma: *Tilden*, No, my Lord, the maid.

Mr. J. *Jones*, How do you know but that the maid might let him out?

Mr. *Praunce*. My Lord, Mrs. *Broadstreet* said at first there was but one Key, but before the Duke of *Monmouth* she said there was six or seven Keys.

L. C. J. Look you what trikes you put upon us to blind us. You come and tell us that he was every night at home by eight a clock, and did not stir out, for there was but one Lock, and the Maid kept the Keys; and yet there were three or four Keyes to it.

Mary Tilden. There was but one Key to that which kept the door fast,

L. C. J. *Praunce*, how many Keys were there?

Mr. *Praunce*. She confessed there were four or five.

J. W. What time was it that you carried him out of *Somerset*-house on wednesday night?

Mr. *Praunce*. It was about ten or eleven of the clock. *Hill* went to fetch the horse.

Mary Tilden. We had never been out of our Lodgings after eight a Clock, since we came to Town.

Justice Jones. When were you out of Town? *Mary Tilden*. In *October*.

J. Dolben. Nay, now, Mistris, you have spoil'd all; for in *October* this business was done.

Justice Jones. You have undone the man, instead of saveing him.

Mary Tilden. Why, my Lord, I onely mistook the month.

L. C. J. You Woman (speaking to *mrs. Broadstreet.*) what month was it you were out of Town? *Broadstreet*. In *September*.

L. C. J. 'Tis apparent you consider not what you say, or you came hither to say any thing will serve the turn.

Mary Tilden. No, I do not, for I was out of Town in *September*, came to Town the latter end of *September*.

L. C. J. You must remember what you said, that you came to *England* in *April* last, and from that time he was alwayes within at eight a clock at night.

Mary. Tilden. Except that time that we were out of Town, which was in *September* the summer-time. And it is impossible but if the Body was in the house, as *Praunce* said it was, but I must see him, or some of us must. I used to go every day into that little Room for something or other, And I must needs see him if he were there.

L. C. J. You told me just now you were not upon Confession; and I tell you now so, you were not. Then mrs. *Broadstreet* was examined.

Mr. *Justice Jones*. Well, woman, what say you?

Broadstreet. We came to town upon a munday, *Michaelmas*-day was the sunday following; and from that time neither he nor the maid used to be abroad after eight a clock: we kept very good hours, and he alwayes waited at supper, and never went abroad after he came in to wait at supper: and the Lodging was so little, that nothing could be brought in, but they must know that were within.

L. C. J. This is a lower Room than the Chamber, is it not?

Mr. *Praunce*. 'Tis even with the Dinning-Room, my Lord.

L. C. J. What say you *Sir Robert Southwell*?

Sir Robert Southwell, my Lord, it is an extraordinary little place; as soon as you get up eight steps, there is a little square entry, & there is this room on one hand, & the dining-

Room on the other. *I* think there is a paire of ſtaires to go down at one corner of the Entry, as I think, but the Body was laid in a little ſquare Room at the head of the ſteps.

L. C. J. *And* muſt you go into the Room to go to the Dining-Room?

Broadſtreet. No, 'tis a diſtinct Room; but the Key was always in the door, and every day ſome body went into it for ſomething or another.

L. C. J. Will you undertake to ſay it was always in the door?

Broadſtreet. Yes, it conſtantly was.

Juſtice Wild, For my one part *I* will not judg you: but that his Body ſhould be carried there about nine a clock at night a Saturday-night, and remain there till munday-night 'tis very ſuſpitious, that if you were, in the houſe, as you ſay you were, and uſed to go into that Room every day, you muſt either hear it brought in, or ſee it.

Broadſtreet, But we did neither, my Lord.

Juſtice Dolben. It is well you are not Indicted.

Broadſtreet Mr. *Praunce*, you know all theſe things to be falſe, Mr. *Praunce.*

Mr. *Praunce.* I lay nothing to your charge; but you ſaid before the Duke of *Monmouth*, that *Hill* was gone from his lodgings before that time.

L. C. J. What ſay you, Sir *Robert Southwell*? ?

Sr. Rob. South. There aroſe a little quarrel between them about the time that Mr. *Hill.* did leave thoſe lodgings. *Praunce* ſaid it was a fourthnight after; *Hill* ſaid when he was upon his examination, that the ſame Saturday that Sr. *Edmonbury* was miſſing, he was treating, with his Landlord, and from that time, to the time he went to his new Houſe, it was about a Week or a fourtnight.

L. *Ch. Juſt.* But he did pretend he was gone before?

Broadſtreet. No my Lord, I did not.

L. Ch. Juſt. Two Witneſſes upon Oath ſweare it, and you ſaid it your ſelf, and gave it under your hand. *Broadſtreet.* my Lord? ——

L. Ch. Juſt. Nay you will not hear, but you will talk, you will ſay one thing now, & you ſet another under your hand.

Mr. *Att. G.* Have you not a brother that is in the Proclamation, one *Broadſtreet* a Prieſt? *Broadſtreet*, I have a Brother whoſe name is *Broadſtreet.*

Att. G. Is he not a Prieſt, and in the Proclamation?

Broadſtreet, *I* hope, I muſt not impeach my Broother here. I ſaid upon my Oath he came to Town a monday, and *Michaelmas* day was the Sunday following, *Lawrence Hill* went away a fortnight after.

Sir *Rob. South.* She ſwore then two or three days after *Michaelmas* day.

L. C. J. You muſt know we can underſtand you through all your Arts. It was not convenient for you at that time to ſay, that Mr. *Hill* went away about a fortnight after *Michaelmas*, for then the thing that was charged to be done part of it in your Houſe, would have been within the Fortnight, for it was the 12th. of *October*, but then you ſaid only two or three *Days.*

Sir *Robert Southwell*, She did ſay my Lord, that about *Michaelmas* two or three or four days after he went away.

Broadſtreet, *I* begg your pardon, I only ſaid I could not tell the time exactly.

L. C. J. Well have you any more to ſay.

Mary Tilden, There was never a day but I went into that Room for ſomething or other, and if any body came to ſee me, there was ſo little ſpace that the footmen were always forced to be in that Room.

J. *Dolben.*

Juſt. Dolben, Were you there upon Sunday? *Mary Tilden*, Yes my Lord, I was:
Juſt. Dolb. Well I will ſay no more, call another witneſs. *Hill, Katharine Lee.*
L. C. J. What can you ſay maid?
Lee, My Lord, I did never miſs him out of the Houſe at thoſe Hours.
L. C. J. May be you did not look for him,
Lee, I did go down every Night to the door to ſee if it were lockt, and I went into the Parlor to ſee that things were ſafe there.
L. C. J. You are a Roman Catholick, are you not *Lee*, Yes, I am.
Juſt. Dolb. Might not he go out of the Houſe and you never the wiſer?
Lee, Yes, for I did not watch him continually.
Capt: Richardſon, All that ſhe ſays may be true by the place. The Servants keep down a pair of ſtayres in the kitchen, and any one may come in or go out having ſo many keys, and they not know it that are below,
Lee, I went into the Chamber every morning as I went to market.
Juſt. Wild, Have a care what you ſay, and mind the Queſtion I ask you, were you there on the Sunday in that Room where they ſay Sir *Edmondbury Godfrey*'s Body was laid?
Lee, I cannot ſay that I was in that Room, but I called in at the Door every Day, and I was the laſt up every Night.
J. *Wild*, He ſay that for thee, thou haſt ſpoke with more care then any of them all.

Then Daniel Gray *was Examined.*

L. C. J. What can you ſay? What Queſtions do you ask him?
Hill. I deſire him to ſpeak what he can ſay, where I was thoſe five days that Sir *Edmondbury Godfrey* was miſſing.
Gray. I kept my Brother *Hill* Company from the 8th of *October*, till he took his Houſe, which was about the 22 or 23.
L. C. J. What time did you uſe to go to Bed?
Gray. About 9 or 10 a Clock at night.
L. C. J. What time did he go?
Gray. When I did, but I did not ſee him go to bed.
L. C. J. Where did you ly? *Gray.* At my own Houſe.
L. C. J. And you went home about 8 or 9 a clock at night to go to bed:
Gray. Yes I did.
Juſt. Jones. You ſay he took his Houſe the 8th of *October*, when did he go thither?
Gray. Yes, he took his Houſe the 8th of *October*, but he did not go thither till the one or two and twentieth?
Juſt. Dolben. But you cannot tell what he did at night. *Gray.* No not I.
Juſt. Dolben. But you were in his company till 8 or 9 a clock at night?
Gray. Yes my Lord I was.
L. C. J. How far did you live off of him? *Gray.* About a Bows ſhoot.
L. C. J. Look you Mr. *Hill* he does you no ſervice at all, for he ſays he let you about 8 or 9 a Clock at night, and he does not know what you did afterwards. ſave you any more? *Hill, Robert How.*
L. C. J. Come what ſay you?
How. My Lord, I met with *Hill* the 5th of *October*, he asked me whither I was going I told him home, I wiſh, ſaid he, you would go a little back with me, I am about ta-

king

king of an Houſe, and I would have you view the Repairs, accordingly we did go, and treated in the Houſe about an agreement; for ſaid he, I will not agree with you, to the Landlord, till we know what muſt be repaired. On Tueſday morning we met again about 8 a clock.

L. C. J. What day of the month was that?

How. The Eight. And a Wedneſday about noon we began to work for him, to repair his Houſe, and we wrought that Week every day, and for twelve days and an half in all, and he was every day with us looking after Coals or Beer or ſomething: on Saturday the 12th of *October* we dined together, and parted with him about one or two a clock, and about two a clock I went back again to my Work, and he ſaid he was going towards *Covent Garden* in St. *James*, but he came back again, and I was gone firſt; I asked my man whether he was gone or no, he ſaid, he was there, but did not ſtay.

L. C. J. What time was that? *How.* A little before night.

L. C. J. What hour did your man ſay that he was there?

How. About an hour before they left work.

L. C. J. What time was that? *How.* About four a clock I think it was.

L. C. J. Can you ſay where he was that night? *How.* No I cannot.

L. C. J. What Religion are you of, are you not a Proteſtant?

How. Yes, my Lord, I think ſo.

Recorder. My Lord asks you, are you a Proteſtant?

How. I was never bred up in the Proteſtant Religion.

Mr. *Praunce.* He is a Catholick, my Lord, he was the Queens Carpenter.

J. *Delb.* Nay now you ſpoyl all, you muſt do pennance for this, what deny your Church?

Hill. What time was it a Saturday morning I was with you?

How. About nine a clock.

L. C. J. How long did he ſtay? *How.* From nine to two.

L. C. J. Are you ſure 'twas Nine

How. No man can ſwear punctually to an hour.

L. C. J. What think you of Ten? *How.* It was there abouts.

Mr. *Recorder* If I am rightly informed by the Clerks, he is outlawed for Recuſancy.

L. C. J. Is he ſo? pray let us know that.

Harcourt, *one of the Clerks of the Crown Office.* My Lord, I have made out ſeveral Writs againſt him, for ſeveral years together, and could never get any of them Returned.

Hill, he tells you that I was with him from 9 a clock on Saturday morning till One.

Mr. J. *Jo.* But that is but as true as he is a proteſtant, and how true that is, you know.

Hill. Here is another witneſs, *M. Cutler.*

Tho. Cutler. Upon the Twelfth of *October*, *Laurence Hill* did come into my houſe about four or five a clock in the evening, and he ſtaid there til between 7 or 8, and then his wife came for him, and ſaid ſome Gentlewoman was ready for her Supper, and ſo he went home: and I ſaw him no more, till the day after he was taken.

L. C. J. Look you here, he ſpeaks only about 7 or 8, a clock. Well, have you any thing more to ſay? *Hill.* There is one *Richard Lazinby.*

Lazinby, My Lord, I was with him on Saturday the Twelfth of *October* at the door, about twelve a clock.

L. C. J. And you dined with him and *How*: *Lazinby*, Yes, Sir.

L.

L. C. J. But you did not see him afterwards?

Lazinby, Yes, I did see him on VVednesday night, from 5 to 7 at night.

L. C. J. VVhat time was he carried out of *Somerset-house*.

Mr Att. G: About 11 or 12 a clock at night:

Lazinby, That is the last time I was with him.

L. C. J. VVell, Have you any more? *Hill*, Here is one Mr. *Archbold*, my Lord.

Archbold. My Lord, I had occasion for a Taylor, and I came to this mans house, to seek for one *Mr. Gray*, that had formerly wrought for me.

L. C. J. VVhen was that?

Archbold, That was on Munday-night. And he haveing formerly wrought for me, I found him at this mans house, so Mr. *Gray* asked me, VVhat news? I told him very good News; For Prannce was taken for the Murder of *Sir. Edmundbury Godfrey*. Sayes *Hill*, I am glad of that, I wish they were all taken. *I* came the next day after, and they told me he was taken out of his Bed, for the murder of Sir *Edmundbury Godfrey*.

L. C. J. VVas it that very night that you came, that he was taken?

Archbold, Yes, it was.

L. *Ch. Just.* You said he spoak of it before you at 7 a clock, and you left him about 9, and he was taken that night, what then?

Hill. VVhy, then I had time enough to make my Escape, if I had thought my self Guilty.

L. *Ch. Just*, As no doubt you would, if you had thought they would have been so nimble with you. *Archbold*, He knew it the day before.

L. C. J. VVell, have you any more to say?

Mrs. *Hill*, There is Mr. *Ravenscroft*, my Lord.

L. C. J. VVhat, that *Ravenscroft* that is sent away? *Mr. Hill*. Yes, my Lord.

L. C. J. Then the Marshal must send for him, if he be a witness for the Prisoner. In the mean time, VVhat can you say for your self, Mr. *Green*. My Lord, I would call my Landlord and his wife. L. C. J. VVhat are their names?

Green, *James Warrier*, and his wife.

L. C. J. Call in *Greene*'s wife, and all her witnesses.

Then Mrs. Hill, the Prisoners wife, offered a Paper to the Court, containing Observations upon the indictment, which she desired them to read, but it was refused, & she bid to give it her husband.

Then *James Warrier* was examined

L. C. J. VVhat say you to your Landlord?

Greene, I ask him no Questions at all, but desire him to tell what he knows.

Warrier, I will say, that the twelfth of *October*, he was at my house half an hour after seven, and he was not out of my house till after ten.

L: C: J: How can you remember that day? What day of the Week was it?

Warrier, It was Saturday. L: C: J: How do you remember it was so?

Warrier, I have recollected my memory. L: C: J. By what?

Warrier, By my work, and every thing exactly:

L: C. J. When did you begin to to recollect your self? *Warrier*, A pretty while ago:

L. C. J. How long after Sir *Edmund bury Godfrey* was murdered? *War.* A month after.

L. C: J. What made you to recollect your self a month after?

Warrier. Because he was in prison in the *Gatehouse*.

L. C. J. When was he taken up?

Warrier. He was taken up in *Somerset house*, and not in my house.

I:

L. C. J. But when did you recollect your self. *Warrier.* when he was in prison.

L. C. J. But I pray remember the time when you did recollect your self, and the occasion that made you recollect your self when he was taken up.

Warrier, I remember it very well, for he had been in my house but 14 dayes before he was taken up.

Sir *Tho. Stringer*, He was not taken up for the murder of Sir *Edmund-bury Gordfrey*, till the 24th. of *December*.

J. Wyld, Pray did you never think of this till he was in prison?

Warrier, It was when he was taken up.

L. C. J. But pray when you came to recollect your self, how did you come to do it?

Warrier. I recollected it by my work.

L. C. J. But what gave you occasion to recollect your self since he was in Goal?

Sir Tho. Stringer, My Lord, he was put in Goal, for refusing to take the Oaths; but he was not at all charged with the Death of Sir *Edmund-bury Godfrey* at that time.

L. C. J. When was he put in for the Death of Sir *Edmund-bury*?

Sir Tho. Stringer, The 24th of *December*.

L: C: J. Then there is all the remaining part of *October*, all *November*, and the former part of *December* was past, how could you recollect your self of the particular day?

Warrier, *I* call'd it to mind by my work?

Capt. Richardson, my Lord, *I* will rectifie this mistake: since their Arraignment, I went to them, to know what witnesses they had, and *Green* told me of his landlord & landlady; I then asked them; if they cou'd say any thing as to this particular day? and they said they could not do him any good at all.

Warrier, I did not then call it to memory. L: C: J: When did you call it to memory?

Warrier, I did say *I* could not do it then presently, as *I* have done since in 5 or 6 days

L: C: J: How could you recollect it then?

Warrier, By the time he came into my house, which was a week before, and by the work that was done.

L. C. J. What could the work do as to this? Can you tell by that any thing that is done at any time? Where were you the ninth of *November* last? *Warrier.* Truly I can't tell.

L. C. J. Why how came you then to recollect what you did the twelfth of *October*, when you did not know where you were the ninth of *November*?

Warrier, I can tell a great many tokens, he was but 14 or 15 dayes in our house.

L. C. J. What did he do the Twelfth of *October*, that you remember so particularly that day?

Warrier Sir, I remember other dayes besides that; but *I* say I never knew the man out after nine a clock, in my life.

L. C. J. Have you any body else, for this man I can't tell what to make ont?

Greene, Here is the man's wife to give Evidence.

L. C. J. First consider what you say.

Mrs. *Warrier*. To tell you the truth, I thought the man so clear of this Fact, that I never troubled my head with it; but when Captain *Richardson* came to my house, I told him that he was never in our house by day-time, except, being *Cushion-layer* in the *Chappel*, he used to come at half an hour after eleven, and many times he did desire me, because we were Protestants, to put in a little flesh meat with ours; sometimes he would sit down and eat his meat in the Kitchin; and his Wife with him; and his Wife would say

ſay to him, 'tis a troubleſome time, pray ſee that you come home betimes. I did not at all remember the day of the month at the firſt, nor the Action; but my Husband and have ſince remembred. We were deſired by them once to eat a Fowl with them, and my Husband did command me the Sunday after to invite them to dinner with us, and went in the morning very early, I think, and bought a dozen of Pidgeons, and put them in a Pye, and we had a loin of pork roaſted; and when he was gone to the *Chappel* on Saturday in the afternoon, his wife came to me and ſaid, my Husband is not well, and when he comes home will ask for ſomething of Broth; and away ſhe went to market to buy ſomething to make Broth of. While ſhe was at market, her Husband came home, & asked where his wife was? why, Mr. *Green*, ſaid I, ſhe is gone to market: what an old Fool, ſaid he, is this, to go out ſo late, ſuch a night as this is? but ſaid he again, I will go to the Coffee-houſe, and drink a Diſh of Coffee, and pray tell my wife ſo. In the mean time ſhe returned, and by that time ſhe had been above a little while, he came in again. And Mr. *Green* being there, my Husband came in, and called to me, prithee, Sweetheart, what haſt thou got for my Supper? prithee, ſaid I, Sweetheart, thou art always calling for thy Victuals when thou comeſt in. Then Mr. *Green* goes to the ſtairs, and calls to his wife, and bids her bring him down ſome victuals, and ſhe brings do w the Bread and Cheeſe, and he ſtayed there till it was nine a Clock; and then ſaith Mr. *Green* to his wife, let us go up, for there is a Fire.

L. C. J. What day was this all this while?

Mrs. *Warrier.* Why, it was the Saturday fortnight after *Michaelmas* day.

L. C. J. Why might it not be that day three weeks?

Mrs. Warrier. It was that day he was miſſing.

Attorn. Gen. Why there was no Alarum taken of it a Sunday.

L. Ch. Juſt. When did you begin to recollect what day it was that they ſaid he was miſſing?

Mrs. *Warrier.* On Friday morning our milkman came and told us, that one Mr. *Godfrey* was found murdered; now I knew one of the *Exchange* of that name, and thought it might be he. And when we went up with him to his Chamber, we ſate there till the Tattooe beat.

L. C. J. All the thing is, how do you know it was this Saturday?

Mrs. War. It was the Saturday fortnight after *Michaelmas* day.

Juſt. Dolben. Are you ſure it was the Saturday fortnight after *Michaelmas* day?

Mrs. War. Yes, we did look upon the Almanack, and reckon it ſo.

Juſt. Dolben. Then that was the 19th of *October.*

L. C. J. Why you told him you could do him no good, and indeed you do not.

Juſt. Jones. You and your wife ſpeak of the ſame time, don't you? *War.* Yes

L. C. J. Have you any more *Green*?

Capt. *Richardſon.* There is the maid, let her come in.

L. C. J. What ſay you maid?

Maid, I can ſay that he came in the Saturday fortnight after Quarter day, pretty betimes.

L. C. J. Can you ſpeak of any other time beſides that Saturday fortnight?

Maid, I can tell he came in every night before nine a clock.

Green. I can take my Oath I was never out my lodging after nine a clock.

Hill, My Lord, here is Mr. *Ravenſcroft* now.

L. C. J. Mr. *Rrvenſcroft,* what can you ſay?

Mr. Ravenscroft, What I can say, my Lord, is this; This *Lawrence Hill*, I have known him 13 or 14 years, and he served my elder Brother so long very faithfully. Afterwards he lived with Dr. *Godwin* towards the latter end of the two last years, and he married my mothers maid.

L. C. J. What Religion are you of?

Mr. Ravenscroft, My father and mother were Protestants.

L. C. J. But you are a Papist, are you not?

Mr. Ravenscroft, I have not said I am a Papist yet.

Justice Dolben, In the mean time I say you are one.

Mr. Ravenscroft, Do you so, then pray go to *Southwark* and see.

Att. Gen. My Lord, I think, he hath taken the Oaths of Allegiance and Supremacy.

L. C. J. Well, pray Sir go on with your Story.

Mr. Ravenscroft, If it please you, upon a Saturday, a little before Christmas, there was somebody taken, I think it was one Mr. *Prance*, for I never saw the man, neither do I know him at all: and it was reported that he was taken upon the Death of Sir *Edmondbury Godfrey*, and I was glad to hear it. My house was in the *Savoy*, and my Fathers house is in *Holborn*; and I used often to go and see my Father, and coming home again, I went to see the *Maid* at her new house, she had not been long there, and she was standing at the door of the house. I asked her what News? says she, here hath been a man here that tells us that *Prance* hath discovered several of the murderers of Sir *Edmondbury Godfrey*, and they talk up and down strangely of it, and ask me whether my Husband be acquainted with him? then said I to her, is he? she answered me very well, they have been often together, and so she told me the people did mutter and talk of her Husband; but said I, what says your Husband to it? says she, he defies *Prance* and all his works. Said I, where is your Husband? said she, he is within? I was very glad to hear it, for, said I, he living in *Somerset-house*, and being acquainted with *Prance*, I am glad to hear that your Husband can be so courageous; so I went away and came again thither the next morning, and found he was taken the night before. All that I say then, is, that it was a good Evidence of his innocency, that when he had notice of it he did not fly.

L. C. J. So then your discourse was after *Archbold* had been there.

Mr. Ravenscroft. *Archbold* was there before me, and had spoken this in their company. I spake with her that night, and the next morning too; and all that *I* say is, if Fright be a sign of Guilt, as no doubt it is, *Adam ubi es?* and Couragiousness is a sign of innocency, then this man is innocent.

L. C. J. But you say she told you they were acquainted.

Mr. Ravenscroft. My Lord, I have one thing more to say. Upon the occasion of these things, this woman hath been often with me, and hath desired to know of me what Defence she should make, for I saw *Hills* Wife and *Berrys* Wife were all simple people without defence for themselves, and they did desire that I would examine and see some of the Witnesses and see how it was, and she had gotten me some papers, and *I* conferred them together, there are Witnesses that will attest the Copy.

Att. G. What is all this to the purpose? only this Gentlemen hath a mind to shew that he can speak Latin.

Mr. Ravenscroft, I thank God I can speak Latin as well as any man in the Court.

L. C. J. Well, all this is nothing.

Mr.

Mr. Ravenscroft. I declare it my self, if this man were Guilty, rather than I would speak for him, if there wanted a Hangman, I would do it my self.

L. C. J. Well *Berry*, what have you to say?

Berry. I desire *Nicholas Trollop*, and *Nicholas Wright*, and *Gabriel Hasket*, and *Elizabeth Wilkes*, and *Corporal Collet* may be called.

Corporal William Collet first examined.

Berry. Did not you place a Sentinell on wednesday night?

Collet. What wednesday do you speak of Sir?

Berry. That night the Queen went from *Somerset-house* to *Whitehall.*

Colet. Yes. This *Nicholas Trollop* I placed there first, the 16. of *October.*

L. C. J. How do you remember that?

Collet. Because I have been called to an account before, and have given good Reasons for it. Our Company was at *Somerset-house* when the King came from *New-market*, and the *Queen* went to *Whitehall.* Afterwards we were bid to fetch our Sentinels off about 3 or 4 of the clock in the afternoon.

L. C. J. Did you leave any Souldiers there?

Collet. No, we did not, all our Company went to *Whitehall.*

Justice Dolben. Are you sure there were no Souldiers that night there?

Collet. Yes, we were commanded with a party to go thither again that night.

L. C. J. What did you do then? *Collet. I* placed the Sentinels by the Porters order.

L. C. J. Who was that, *Berry?*

Collet. No, it was one that used to go about, and give Orders where we should set them.

L. C. J. How did you place them?

Collet. This man I placed from 7 to 10, then *Nicholas Wright* relieved him at 10, and stayed till one.

L. C. J. At what place? *Collet.* To the *Strand* ward.

Justice Wild. That was the Gate they carried him out at.

L. C. J. Do you hear, whereabouts did you set the Sentinels? within the gate?

Collet. Yes, within the wicket. L. C. J. That way he was carried out

Nicholas Wright. There was no Sedan came out in my time.

Trollop. There was one came in in my time while I stood there.

L. C. J. Was, it an empty Sedan?

Trollop. I suppose it was, but we had no Order to keep any out.

Mr. Just. Wild. But you might know whether it was an empty Sedan or no, by the going of it through the Wicket.

Collet. There is an empty Sedan that stands there every Night.

Trollop, It was set down within the Gate.

Mr. *Just Jones.* If any Sedan had gone out, you would not have staid them, would you

Collet. No my Lord, we had no Order to stop any.

Just. Tolben How can you then be positive, that no one did go out?

Trollop, None did go out again in my time.

Just. Dolben, Could not the Porter open the Gate, as well as you?

Col. Yes, my Lord, he could, but I should have seen him then: he did not open it in my time

J. *Wild* Let me ask you but one question; did not you go to drink, nor tipple all that time

Trollop, No, nor walk a Pikes length off the place of Centry.

Mr. *Jaſt. Wild.* Has not *Berry* an *Houſe* there, hard by?

Trollop, Yes, but I did not drink one drop.

Mr. J. Dolben, How can you remember ſo particularly, ſo long ago?

Trollop. Why, *I* was twice before the Committee.

Mr. J. *Dolben*, But how long agoe was it, that you were queſtioned about this thing, after this Night?

Trollop. A matter of a Month, or Six Weeks.

Collet. For we were examined before *Praunce* was taken up.

L. C. J. You *Trollop*, Can you ſay whether it was the Sedan that uſed to be within?

Trollop. No I cannot, but it was brought in in my time, and did not go out again.

[*Then* Gabriell Hasket *was examined.*]

Berry, You ſtood there, Sir from One to four.

Hasket, Yes, after the Clock ſtruck One, I was put Sentinell, and ſtood till Four.

L. C. J. What night?

Hasket, That night the King came from *New-market*, and the Queen went from *Somerſet-houſe*. L. C. J. What day of the Month was that?

Hasket, The Sixteenth. L. C. J. What day of the Week?

Hasket, Wedneſday. L. C. J. Did not you drink at *Berry*'s then?

Hasket, No, I did not. L. C. J. Did you ſee *Berry* then?

Hasket, No I did not. L. C. J. He was gone before you came.

Berry, I was faſt enough a Bed at that time. L. C. J. Well, what ſay you more?

Berry, Here is my maid, *Elizabeth Minſhaw*, to give her Evidence, where I was that night the Queen went from *Somerſet-houſe*.

Mr. J. *Jones*. What can you ſay?

Minſhaw. May it pleaſe you, my Lord, my Maſter was within Doors, and about the Gate, when the Queen went away. L. C. J. Who is your maſter.

Minſhaw, Mr. *Berry*, He was about the Gates all the Forenoon.

L. C. J When was that?

Minſhaw. The 16th, of *Octob*. Wedneſday, And aſſoon as the Queen was gone, my maſter went out to Bowls; and when he came home again, he ſaid he had been at Bowls

L. C. J. What time did he come home?

Minſhaw. It was dusky, and he was not abſent all Night an hour, till he went to Bed.

Mr. J. *Wild*, When did he go to Bed?

Minſhaw. My Lord, I ſuppoſe he went to Bed about 12 a clock.

Mr. J *Wild*, They do not charge him with any thing but what was done about the Gate. Mr. *J. Dolben*. What time did you go to bed that night?

Minſhaw, Why I went to bed about 12 a clock.

Mr. *J Dolben*, And you ſaw him no more that night?

Minſhaw, No, my Lord, but he muſt go through my Room to go to Bed at night, and therefore I ſuppoſe he was a Bed.

Mrs. *Hill*. I deſire Mr. *Praunce* may Swear why he did deny all this?

L. C. J. Stand up, Mr. *Praunce*, that Gentlewoman does deſire to know, what induced you to deny what you had ſaid?

Mr. Praunce. It was becauſe of my Trade, my Lord; and for fear of loſing my Employment from the Queen, and the Catholicks, which was the moſt of my buſineſs, and becauſe I had not my Pardon.

Mrs. *Hill*. I deſire he may Swear whether he were not tortured? Mrs

Mr *J. Dolben*, Answer her, were you tortured to make this confession?

Mr. *Praunce*, No, my Lord, Captain *Richardson* hath used me as civilly as any man in *England*; all that time that I have been there, I have wanted for nothing.

L. C. J. See what he says; That he did not make this Confession by any torture, but he made his Recantation through fear, and the thoughts of death, because he had no Pardon; and fear that he might live in want, by the loss of the Trade, prevailed with him to deny what he had confessed.

Mrs. *Hill*, It was reported about Town, that he was tortured.

Justice Jones. No it was no such thing; it was onely the tortures of his Conscience, for being an actor in so great a sin.

Mrs *Hill.* There are several about the Court, that heard him cry out: And he knows all these things to be as false, as God is true; and you will see it declared hereafter, when 'tis too late.

L. C. J. Do you think he would swear Three men out of their lives for nothing?

Mrs. *Hill.* I desire he may be sworn to that particular thing.

Just. J. He is upon his Oath already, and Swears all this upon his Oath.

Mrs *Hill.* Well I am dissatisfied; my witnesses were not rightly examined, they were modest, and the Court laught at them.

Berry. The Sentinels that were at the Gate all Night, let nothing out.

L. C. J. Why you could open the Gate your self.

Berry. He says, he could have seen if the Gate had been open; and that as he saw, the Gates were never open'd.

J. Dolben. VVell, the Jury have heard all, and will consider of it.

Mrs. *Hill.* Here is another witness, my Lord; Mr. *Chevins.*

L. C. J. Well Sir, what say you?

Chevins. I have nothing to say, but that *I* heard Mr. *Praunce* deny all.

L. C. J. Why he does not deny that now. Well have you any more?

Chevins. We have no more.

Att. Gen. My Lord, I must crave leave to speak a word or two, and the Evidence having been so very long, *I* shall be exceeding short. I intended (when I began to open the Evidence) to have made some Observations after the Evidence ended; to shew how each part of it did agree and how the main was strengthened by concurrent circumstances. But in truth, the Kings Evidence did fall out much better than I could expect, and the Defence of the Prisoners much weaker than I could foresee. So that, I think, the proof against the Prisoners is so strong; and so little hath been alleadged by them in their Defence, that it would be but loss of time to do what I at first intended. Only I will observe, that Mr. *Bedloe* doth agree with Mr. *Praunce*, as far forth as is possible; that is, in those parts of the Fact of which he pretends to have any knowledge. Yet had they never any communication one with another, as both have sworn. And your Lordship will observe in how many particulars they do agree; namely, as to the Dark Lanthorn, as to the Covering of the Body in the Room; how they intended to carry the Body out in a Sedan, and the rest. So that if they had laid their heads together to contrive a Story, they could hardly have agreed in so many circumstances; and yet this they do without discoursing with each other beforehand,

My Lord, I must likewise observe to you, that the Servants of the Plow Ale-house concur as to the meetings there: The Maid agrees as to the Prisoners coming to Sir

Edmund.

Edmondbury Godfrey's House, and to the time, *viz.* that Saturday morning; nay, to the very Hours of Nine or Ten a Clock: That the Constables Relation of the posture in which the Body was found in the Field, doth perfectly agree with the Account that the murtherers gave thereof to *Mr. Praunce* the next morning. The Chirurgions do agree with Mr. *Praunce*, as to the manner of Sir *Edmondbury Godfrey*'s being killed, the strangling, the bruising of his Stomach, the twisting of his Neck. And the Witnesses from *Bow* make it out, that *Detbick* was sent for; that they had a Dinner there. The Boy proves that he over-heard them reading something about Sir *Edmondbury Godfrey*, and that they were very merry; and that for his listning, he was threatned to be kickt down stairs.

So that, I think, there never was an Evidence that was better fortified with circumstances than this: *My* Lord, I shall be bold to say, here is certainly as much Evidence, as the matter is capable of. It is not to be expected that they should call Witnesses to be by, when they do such foul Facts; so that none can swear directly the very Fact, but such a one as was an Actor in it. All Circumstances relating to the Fact, both before and after, are made out by concurrent Testimony. And, my Lord, I must observe, that it was a murther committed through zeal to a false Religion, and that Religion was a bond of secresie. We all know, His *Majesty* hath been graciously pleased by his Proclamation, to propose a Pardon and a Reward to the Discoverers. And yet almost without effect; their zeal to their false Religion was a greater obstacle, than the Proclamation was an incitement, to the Discovery. And I do believe, if Mr. *Praunce* had not had some inclination to change his Religion, you had still been without so clear a discovery of this Work of Darkness, as now you have. *I* shall say no more, but conclude to the Jury with that saying, that I remember in the Book of *Judges*, (in the case of a murther too, though of another Nature) *Judg.* 19. 30. *The People said there was no such deed done, nor seen, from the day that the Children of Israel came out of* Egypt: And I may say there was never such a barbarous murther committed in *England*, since the people of *England* were freed from the Yoke of the Popes Tyranny; and as 'tis said there, so say I now, *Consider of it, take advice, and speak your minds.*

Mr. *Sol. Gen.* My Lord, I would only make one Observation to your Lordship, which is this; *I* do not find they do in the least pretend to tax Mr. *Praunce*, that any person hath bribed him to give this Evidence; nor, that there was the least Reward ever proposed to him to bear witness against them, not so much as the hopes of that Reward contained in the King's Proclamation; yet Mr. *Praunce*, if he had had a mind to bear false witness, might have laid hold of that opportunity; but so far was he from pretending to discover any thing, that he denied all when he was first apprehended: But after he was in hold, and likely to be brought to Justice, and lying under the conviction of a Guilty Conscience, then, and not till then does he discover it.

There is no objection in the world to be made, but that since this discovery, *M. Praunce* hath retracted what he said before, but he gives you a very good account of it; the terrors of conscience he then lay under, the fears that he should not be pardoned, and the apprehensions he had from the threats on their side, and the danger of his utter ruine, put him upon that denial.

But, my Lord, He tells you likewise, that as soon as ever he was brought back to the Prison, he owned all he had said at first, and desired he might be carried back again to testifie the truth of what he had first sworn to. This, my Lord, he gives you an account of, and

and the ſame account does the Keeper of the Priſon give too. I have nothing to ſay more but only juſt to obſerve the many circumſtances whereby Mr. *Praunce* his teſtimony is fortified. Mr. *Bedlow* does agree with him in every circumſtance as far as his knowledge went. The maid of the Houſe agrees with his teſtimony; that ſays, ſhe ſaw *Green* at Sir *Edmondbury Godfrey*'s ſeveral times, though here he denies he knew him. That ſhe ſaw *Hill* there that very morning her Maſter was miſſed: That he talked with her Maſter a quarter of an hour: That ſhe knew him by a very good token; not only by his face, but alſo that he had the ſame Clothes on then he hath now.

Mr. Praunce hath likewiſe told you of another circumſtance; the meeting at the *Plow-Alehouſe*, where they laid the whole Deſign of intrapping *Sir Edmondbury Godfrey*, and herein he is fortified by the concurrent teſtimony of the Maſter of the Houſe, and the ſervant too, though they now deny that ever they had been in his company there; or that they ſo much as knew *Girald*; though when they were examined at the Council-board, they ſaid, they knew *Girald*, but not *Kelly*; and now they are preſt with it here, *Hill* retreats to this, That he knows one *Girald*, but not *Girald* the Prieſt.

My Lord, I think the matter is ſo fully and ſo plainly proved beyond exception, that there needs no great repetition in the caſe: It is impoſſible that *Mr. Praunce* a man of that mean capacity ſhould invent a ſtory with ſo many circumſtances, all ſo conſiſtent, if there were not truth at the bottom of it. He ſhews you the particular places, from place to place, where they decoyed him in, and how they diſpoſed of him, to the time they carried him out. And in each of theſe circumſtances, there is not the leaſt improbability or cauſe to diſbelieve him. It hath been already ſo fully repeated, and the plainneſs of the Evidence is ſo convincing, that I need not make more obſervations upon it; But ſubmit it to your Lordſhip and the Jury.

Then the Lord Chief Juſtice directed the Jury in this manner.

Lord Chief Juſtice.

Look you, Gentlemen of the Jury, this is an inquiſition for innocent blood that hath been ſhed, and your buſineſs is to ſee if you can find out the murderers.

We would not add innocent blood to innocent blood: but on the other ſide, if you have received ſatisfaction ſo much as the nature of the thing can bear, then the Land is defiled, unleſs this be ſatisfied.

Now for that *I* will urge the witneſs and their teſtimony no further than it does appear; for you and we are all upon our Oaths to do uprightly, neither to ſpare murderers, nor condemn the innocent.

In the firſt place, we began with *Mr. Oates*, and he told you, that he had ſome converſe with Sir *Edmondbury Godfrey*, and that he was threatned by ſome, and had no good will for his pains, in taking thoſe Examinations he had taken, and he was afraid his life was in danger. This he tells you was the diſcourſe before-hand, and this is produced to lead you to conſider what ſort of perſons they were, of whom he was likely to have theſe fears; for his fears did ariſe from his having done his part, as a Juſtice of Peace, in taking the Examinations upon Oath.

For the teſtimony of the Fact they produce firſt *Mr. Praunce*, wherein you will do well to obſerve all the degrees that he goes by, before the Fact, and all the circumſtances in the tranſaction of that affair, and the parties by whom it was to be acted: Firſt he tells you how long it was before they could entice him to conſent to ſuch a villany as this was, To murder a man; he tells you by whom he was thus enticed, which makes the ſtory

more

more probable; that is, by *Girald* and *Kelley* (two Priests) and he tells it you still more probably by their Doctrine, that it was no sin; but it was rather an act of charity to kill a man that had done, and was like to do them mischief: So that if you consider the persons that preached to him, and the Doctrine they taught, it carries a great shew and presumption of Truth in it self, When they had met together at the *Plow* several times (which was denied by some of them, but is most manifestly proved by the Master of the House, & the Boy) and the wisht for time was come; for they were to watch the opportunity, and Mr. *Praunce* was to be at home, and they would call him to give his helping hand; he tells you, that Mr. *Hill* did go that morning; for though he talks of an Errand before, yet to keep to that which is most pressing in the Evidence, he went to *Sir Edmundbury*'s House. This he seems to deny; but the maid does swear it expresly upon him; and says, she came first to him, and went up stairs, and then came back again, and still he was there. And she swears positively she knows him by his face, & by the Clothes he then had on, which are the same Clothes he hath on now, and that that is the man that was with her Master; and this, which they cannot disprove, half proves the matter.

What had he to do at Sir *Edmundbury Godfrey*'s House? But that would be an hard puz'ling Question to be put to him; what did you there? And therefore he is to deny it; but the maid proves it upon him, as well as *Praunce*. So that I would have you consider how many Witnesses you have to one thing or another, all conducing to this point.

You have first *Mr. Oates*, that tells you the Discourse that passed between *Sir. Edmundbury Godfrey* and him, the maid tells you, that both these men were there, one at one time and the other at another. And you have *Mr. Praunce* that knew the whole Affair, who tells you so likewise, and that they were resolved to do the Work that day: *In* so much that if they could not do it, as they had before contrived it (and Sir *Edmundbury Godfrey* was sensible that he was *Dogg'd* up and down) *Girald* did resolve to dogg him to his own Door, and kill him in the Lane that leads to his House, he would have run him through himself; and this *Girald* is one of those Priests, whose Church counts it no sin, but an Act of Charity, to murther a Christian, to propagate Christianity:

When they had way-laid him and watcht his coming, from what place Mr. *Praunce* cannot tell; for he knows nothing but what they told him, and they only named in general, that he was Lodg'd in *St. Clements*; and thereupon one comes to acquaint him, that they would intice him in at the Watergate, by *Sommerset*-House, and they would do it with art enough, for they never want a contrivance for so charitable an Act? and it was upon this pretence, that there were Two men a wrangling and fighting, and then he being a Justice of the Peace, was a person that would part the Fray easily.

And it was a probable invention for Sir *Edmundbury Godfry* was a man that was as willing to do all acts of Justice as any one, and as little afraid to do it; for the witness tells you before, that he said, if they did do him a mischief, they must do it basely, for he did not fear the best of them upon fair play. Then when he was desired to get himself a man to follow him, he slighted the advice: And we all know, that he was a man of singular courage, and therefore it was the easier to lay a trap for him. Then saith *Praunce*, when he was got in, *Berry* and I were to have several Posts, which we were to go to, I to one place and *Berry* to another; and I staid, saith he, till *Green* threw the Cravat about his Neck and was assisted by *Girald* and the rest that were there. And then, as soon as we could imagine the thing to be done, *Berry* comes in, and *Praunce* comes back from his standing; and by some Motions findes that he was alive, and that till *Green* twisted his Neck round,

which

which the Chirurgions say was plainly a Broken Neck, and nothing of the wounds which were in his Body were given him while he was alive.

When they had done this, he tells you; they carried him to Mr. *Hill's* Chamber *Berry*, *Girald*, *Kelly*, and the rest, all helpt him in, & there they leave him. Then *Praunce* goes away. This was on Saturday-night. Then *Praunce* comes again on Munday-night, and finds him removed to another chamber hard by, where he saw him by the light of a dark lanthorn, with something thrown over his face; and afterwards on Tuesday-night following, they did remove him back to *Hill's* Lodgings, and there he lay till Wednesday-night when they carried him out.

Saith *Praunce*, I saw him that night; I was the man that help'd to carry him out, for it was *Praunce* and *Girald*, that carried him first, and It was *Green* and *Kelly* who went before, and took him up afterward. He tells you, they set him upon an Horse-back, and *Hill* behind him. They carried him out in a Chair, which was a thing that used to come in and go out there, and so the less notice would be taken of it. I will observe to you afterwards on the Prisoners behalfe, what is said for them to all this.

But as to *Praunce*, you see he hath given you an Account from the top to the bottom, from the First Transaction between them, from the time of his being called by them to help in the Murder, and from his seeing the Handkerchief Twisted about his Neck, his Neck Twisted Round; how they dispos'd of his Body at First, what removes they made, and when they carried him out, who were in company, who relieved them, and what became of him at last.

He says he saw him set up before *Hill* on Horseback, and they told him, they had thrown him in a Ditch, and *Girald* had run him through with his own Sword, and in that posture, and in that place, the Constable found him: The Chirurgions tells you, that it was by the Twisting of his Neck, and the Strangling, that he was kill'd, and not by the Wounds; and the very bruisings which *Praunce* speaks of, were found upon the view of the Body. So that here is not any one thing, that is not backt either in some particular Circumstance or other; besides Mr. *Praunce's* Testimony, who (alone) could give the Narrative of the Fact.

And it is no Argument against Mr. *Praunce* in the World, that he should not be believed, because he was a party; or because he after denyed what he first said. First, Because you can have no Body to discover such a fact, but only one that was privy to it: So that we can have no Evidence, but what arises from a party to the Crime: and in the next place, his denyal after he had confessed it to me, does not at all sound as an act of falshood, but fear; it is not a Good Argument to say that he is not to be believed, because he denyed what he once said: for he tells you, he had not his Pardon, he was in great Consternation; The Horrour of the Fact it self, and the loss of his Trade and Lively-hood was enough to do it. But how short was his denyal, and how quick was his Recantation! for he denyed it Before the King not upon Oath;

He Swore it upon Oath, but he denies it upon his Word only; but by that time he got home to *Newgate* with Captain *Richardſon*, he fell down on his knees, and begg'd him for God's ſake to Carry him back to the King, for what I did ſay at firſt, ſaid he is true, and this denyal is falſe. And here could be no tampering, no contrivance made uſe of; no, 'tis plain there could be no Art uſed to make him retract from his firſt Teſtimony. And theſe are the particulars as to *Praunce* his Evidence,

Then comes Mr. *Bedlow*, and tells you, that he was commanded by *le Faire* and the Prieſts he was acquainted with, to inſinuate himſelf into the aquaintance of Sir *Edmund-bury Godfrey*; they did not tell him why; they themſelves knew privately wherefore, and they did intend him as an inſtrument to do it, as appears afterward. He tells you, he got into his acquaintance, by pretending to go for Warrants for the good Behaviour and the Peace, as he knew Sir *Edmundbury Godfrey* was willing to have the Peace kept; and he was with him every day almoſt, for a Week or more.

Then the prieſts come a little nearer, and Tamper'd with him to Kill a man, an ill man for their turn, and that Mr. *Bedlow* ſhould be very well rewarded, he ſhould have Four Thouſand pounds to Kill that Gentleman, but ſtill they kept the name Secret. He promiſed them fair but broke his Word. Afterwards he meets this Companion that he had moſt Confidence in, and being tax'd with his breach of promiſe, ſaid he, I had buſineſs, I could not come. Well, ſaid his companion, you ſhould have been as good as your word; but the thing is done, the perſon is Killed, and I would have you help to carry him away. He promiſes to do it, and to meet him at *Somerſet*-houſe; accordingly he comes upon Munday in the Evening, and about nine or ten of the Clock at Night, Mr. *Bedlow* ſwears, that in this Chamber that *Praunce* ſays he was laid in, he did ſee the Body, by the help of a dark Lanthorn; and his Face was covered with a cloak or a mantle, or ſome ſuch thing thrown over him.

And theſe two men, *viz.* Mr. *Praunce* and Mr. *Bedlow*, as the Councel have obſerved, had not any Confederacy together for they both ſwear, that they never had any converſe at all; & if it be ſo, then it is impoſſible for two men ſo to agree in a tale with all circumſtances, if they never converſed together, but it muſt be true.

It is hardly poſſible for any man to invent ſuch a ſtory, for *Praunce* it is, I believe. I find it is no hard thing for the Prieſts to contrive ſuch an Action; but for two Witneſſes to agree in ſo many material Circumſtances with one another, that had never converſed together, is impoſſible.

If all this had been a Chimæra, and not really ſo, then *Praunce* muſt be one of the notableſt Inventors in the World; And there muſt have been the mightieſt chance in the World, that Mr. *Bedlow* and he ſhould agree ſo in all things; and that the maid ſhould ſwear that *Hill* was there that Morning, and that the Conſtable ſhould find the Body, juſt as they told *Praunce* they had left him.

So that upon the matter you have two Witneſſes almoſt in every thing; for Mr. *Bedlow*

low, seeing him in the place murdered, is a plain Evidence that the thing was done; and all the other Witnesses, speaking to Circumstances both before and after, make the Evidence plain, that these were the persons who did it. And I see nothing incoherent in al Mr. *Prannce*'s Testimony.

I would not urge this so, if I was not satisfied in my own Conscience that the Relation is true in the prisoners defence, there is but one thing, that hath any sort of weight; for the young Gentlewoman talking of his being constantly at home at eight of the Clock, is nothing; for she says they always go to Bed about nine a Clock, and they give no Answer to this, but that it could not be done in their house but they must know of it, but do not show how that must needs be; so that all their Evidence is slight, and answers it self, or else not possible to be true. All the Testimony that is considerable in this matter, is that which *Berry* produces; and that is concerning the Sentinells who kept the Guard that Wednesday Night the Body was carried out, and he says there was no Sedan carried out. And although this Evidence be produced but by one of them, yet 'tis to the Benefit of them all three; for if it were certain and infallibly true. that the Sentinells did so watch at the Gate, that no Mortal could go out of the place; and if the darkness of the Night might not hinder him from seeing what might go out; or that *Mr. Berrys* Voice being known to him, he might not call to him, and so Mr. *Berry* might open the Gate without any great Caution; or more particular observation by the Sentinel, so that this might escape his observation or remembrance, and yet that the *Sentinel* be an honest man and speak true as he thinks to his best remembrance, which I leave to your consideration. But there is one thing the other Sentinel tells you, that about eight or nine a Clock (for he went off at tenn) there was a Sedan brought in, & he did not see it go out; & so says he that watched from tenn to one, and this is the onely thing which hath any Colour in it, in behalf of the Prisoners. But he that says there was no body went out, says also that he never saw the *Sedan*; but the *Sentinel* that was relieved, says that he saw it go in. Now how far that single Testimony of *Nicholas Wright* the Sentinel will weigh, who says that none went out, I leave with you, which may be mistaken either by reason of the darkness of the Night, or from the other Particular *I* have observ'd before to you.

But this is all that can overthrow the whole Series of the Evidence that hath been given by Mr. *Prannce*, upon whom I finde not the least reflection, except you will call that one, which to me as it is circumstanced, is rather an Argument for him then against him, *viz.* his going off from what he said. And what Sir *Robert Southwel* says is regardable, that when he shewed them the place where he was strangled, the House to which he was first carried, he did it very readily and confidently, but was puzled to find out the Room where he was removed, when he saw him by the dark Lanthorn, and would not positively assert where it was, which shews the integrity of the man, who would else have gone through without bogling; for if all were a Lye, why should he stick at one thing more then another, but have shewen some Room or other? but when he was confident, he appeared so, and when he was doubtful he appeared so, and so shewed himself an honest man.

These are the particular matters, and as near as I can remember, all that hath been

matterially offered for the Prisoners against the Kings Evidence. For the Testimony of the Landlord *Warrier* and his Wife, it is plainly spoken of another time, for it was the Saturday after the Thursday he was found, the 19*th* of *October*. So that they speak nothing but what is true, and yet nothing to the purpose, for the Question is of that which was done the 12*th*, but they speak of a time when the Tragedy was passed, so that there is only the single Evidence of one Witness, the Sentinel, which must be opposed to all the concurring Evidence given against them.

Berry, There was Sentinells placed at every one of the Gates.

L. *C. J.* That is nothing, for we speak only of this Gate, the great Gate, but I will tell you there is too much appears that does not arise from these Witnesses but from the nature of the thing they were about, and the Persons that transacted it, that gives credit to the Testimony of the Witnesses, so as to incline any one to believe them as things stand at this day in reference to the known design of the priests to Subvert our Religion, for they must justifie one ill by another, and the mischiefs they have done will not be safe, unless they do more.

And for the Priests who are the Encouragers of murther, and your sin, & teach that 'tis Charity to kill any man that stands in their way, their Doctrine will make you easily believe their practice, and their practice proves their Doctrine, Such courses as these we have not known in *England* till it was brought out of their Catholick countryes; what belongs to secret stranglings and poylonings, are strange to us, though common in *Italy*. But now your Priests are come hither to be the Popes Bravoes, and to Murther men for the honor of his Holiness: and as they are inhumane, so they are unmanly too: for Sir *Edmundbury Godfry* had not been afraid of two or three of your Priests, if they would have dealt fairly with him.

Berry, He was a Gentleman that I never spoke with in all my life.

L. Ch. Just. You must say and believe, as your Priest will have you, and in such actions as these, as your Priests suggest to you, so does the Devil to your Priests. You are upon the matter necessitated to what they will have you think; for though your Priests preach up freedom of Will, yet they allow none to the understanding. They hold you may doe good or evil, but will not suffer you to understand right and wrong, for you cannot be perfectly theirs, if you have any thing of your own to guide your selves by.

I know that every body of that party is apt to say their Priests own no such thing, but it is notoriously known to all the World that they both print it and practise it. What shall any of you dispute the power of a Pope saith a Jesuite, or of a Pope and a Council say the most moderate Priests? Have you power to say how far you will be a Papist and how far not? You may as well bound the Sea, and bid it go thus far and no farther, as limit the Popes Authority. I wonder any man should be of that perswasion, and yet keep his reason, much less turn from our Religion to theirs, if he considers how they impose, & what mischiefs and Blood you are involved in, by your Priests that have allarmed the Nation. For

I

I will affirm, the greateſt miſchief the Papiſts have received, come from their Prieſts, who have ſuch unworthy and unmanly ways of ſetting up their Religion: What do they think it an act of charity to kill men, or is the Chriſtian Religion or yours, to be promoted by ſuch means as theſe? No Gentlemen, it is the fault of your *Doctrine*, and 'tis a monſtrous miſtake in you, if you think that you have any power of your own, whilſt you continue in their perſwaſion.

I know ſome will aſcribe all to Conſcience that guides them, and that even theſe miſchiefs are but the effects of their Religious obedience; but they are indeed the Conſequences of the blindneſs of their obedience. I wonder how any man can have the face thus to diſorder a whole Nation, and yet pretend conſcience for it. Let no man tell me, O Sir, we deſire none of theſe miſchiefs you talk of: What, not if Religion requires it, or if the Pope ſays it does? Hath not the Council of *Lateran* decreed, that every Popiſh Prince ought to root out Hereſie upon pain of Damnation? You muſt can you go and tell the Pope how far you will believe, or what you ought to do? You may as well tell me that if he were once with us, and had the power he once had, he would leave us to our ſelves, and that if he had the ſame ability, he would not have the ſame Tyranny.

If And therefore all the *Roman* Catholick Gentlemen in *England* would do very well to conſider, how much it concerns Chriſtianity not to give offence; And if they cannot at this time live in a Proteſtant Kingdom with ſecurity to their Neighbours, but cauſe ſuch Fears and Dangers, and that for Conſcience ſake, let them keep their Conſciences, but leave the Kingdom. If they ſay, why ſhould not we ſtay here while we do no miſchief; alas that's not in your power. You cannot be quiet in your own Religion, unleſs you diſturb ours; and therefore, if to ſhew your Conſciences, you acquit the Country, and let the inconveniences light on your ſelves only, I ſhould then think you had zeal, though not according to Knowledge; and not aſcribe it to any Plot, but to the ſimplicities of underſtanding.

But in ſhort, there is a monſtrous Evidence of the whole Plot it ſelf by this Fact; for we can aſcribe it to none, but ſuch ends as theſe, that ſuch a man muſt be killed; for it muſt be either becauſe he knew ſomething the Prieſts would not have him tell, or they muſt do it in Defiance of Juſtice, and in terrour to all them that dare execute it upon them; which carries a great Evidence in its ſelf, and which I leave to your conſideration, having remembred as well as I could, the proofs againſt them, and all that is conſiderble for them. Add to this, the Condition that we are in at this time, and the eagerneſs of the purſuit that theſe Prieſts make to gain the Kingdom, that for my own part I muſt put it into my Litany, *That God would deliver me from the Deluſion of Popery, and the Tyranny of the Pope*: for it is a Yoke which we who have known Freedom cannot endure, and a Burden which none but that Beaſt who was made for Burden, will bear. So I leave it to your Conſideration upon the whole matter, whether the Evidence of the Fact does not ſatisfie your Conſciences, that theſe men are Guilty. And I know you will do like honeſt men on both ſides.

Then the Jury withdrew to conſider of their Verdict, and after a ſhort ſpace returned again.

Cl.

Cl. of the Cr. Gentlemen, anſwer to your Names. Sir *William Roberts.*

Sir *William Roberts.* Here, and ſo the reſt.

Cl. of Cr. Gentlemen, are you all agreed of your Verdict?

Omnes. Yes.

Cl. of Cr. Who ſhall ſay for you?

Omnes. Our Foreman.

Cl. of Cr. Robert Green hold up thy hand, (which he did) Look upon the Priſoner; how ſay you, is *Robert Green* Guilty of the Felony and Murder whereof he ſtands indicted, or not Guilty?

Foreman. Guilty.

C. of Cr. What Goods or Chattels, Lands or Tenements?

Foreman. None to our knowledge.

Cl. of Cr. Henry Berry, hold up thy hand, (which he did) Look upon the Priſoner. How ſay you, is *Henry Berry* Guilty of the Felony and Murder whereof he ſtands indicted, or not Guilty?

Foreman. Guilty.

Cl. of Cr. What Goods or Chattels, Lands or Tenements?

Foreman. None to our knowledge.

Clerk of Crown. Lawrence Hill, hold up thy hand, (which he did) How ſay you, is *Lawrence Hill* Guilty of the Felony and Murder whereof he ſtands indicted, or not Guilty?

Foreman. Guilty.

Clerk of Crown. What Goods or Chattels, Lands or Tenements?

Foreman. None to our knowledge.

Clerk of Crown. Hearken to your Verdict as the Court hath recorded it. You ſay that *Robert Green* is Guilty of the Felony and Murder whereof he ſtands indicted. You ſay that *Henry Berry* is Guilty of the Felony and Murder whereof he ſtands indicted. You ſay that *Lowrence Hill* is Guilty of the Felony and Murder whereof he ſtands indicted; And that neither they, nor any of them, had any Goods or Chattels, Lands or Tenements, at the time of the Felony committed, or at any time ſince to your knowledge. And ſo you ſay all.

Omnes. Yes.

L. C. J. Gentlemen, You have found the ſame Verdict that I would have found if I had been one with you; and if it were the laſt word I were to ſpeak in this world, I ſhould have pronounced them Guilty.

At which words, the whole Aſſembly gave a great ſhout of Applauſe.

Mr. *Att. Gen.* Will your Lordſhip pleaſe to give Judgment this Evening, I know it is not uſual the ſame day.

Mr. *Juſt. Wild.* My Lord I am ready.

L. C. J. No Brother, I am to ſit at *Niſi prius* this Afternoon. and 'tis time we broke up the Court.

Cl. of Cr. Capt. *Richardſon,* you ſhall have a Rule to bring them up to morrow; and then the Court broke up.

On Tuesday *the* 11th. *of* February, *the Priſoners were brought again to the Bar, in order to receive their Sentence; and the Court proceeded thus.*

Mr. Recorder. My Lord, as I was directed by Mr. Attorney, theſe Priſoners being convicted of Murder, *I* do for the King pray Judgment upon them; but I muſt firſt acquaint your Lordſhip, that immediately after their Conviction, one of the Officers; a Tipſtaff, pretending it was his Fee, took their Cloaths off their backs.

L. C. J. Who is that Officer?

Mr. *Recorder.* One *Aſhby*.

Lord Chief Juſtice. Call him, Why do you offer to meddle with theſe mens Cloaths?

Aſhby. It hath been an ancient Cuſtome this Forty Years, ſome of us have known it, that the Marſhal hath the upper Garment of all Priſoners tryed at this Bar.

Speaking to a Clerk of the Crown-Office.

L. C. J. Is there any ſuch Cuſtome, Mr. *Waterhouſe?*

Waterhouſe, No, my Lord, that I know of.

Lord Chief Juſtice. Here is Mr. *Waterhouſe*, that hath known the Practice of the Court this Threeſcore years, ſays there is no ſuch thing. Either reſtore them their Cloaths, or we will take ſome other courſe with you. Are they in your Cuſtody pray?

Mr. *J. Dolben.* I do not know that, my Lord, I think they always plead in Cuſtody of the Marſhal.

Mr. *Juſt. Wyld.* But this ſeems a very barbarous thing, to take their Cloaths off their backs.

Mr. *J. Dolb.* It doth ſo Brother, and they muſt be reſtored.

L. C. J. Yes, yes, you muſt reſtore them.

Aſhby. They ſhall be, my Lord.

Mr. *Recorder.* I pray your Judgment.

L. C. J. Ask them what they can ſay to hinder Judgment.

Cl. of. Crown. Robert Green, hold up thy hand, (which he did) Thou haſt been indicted of Felony and Murder, thou haſt been thereupon Arraigned, thou haſt pleaded thereunto Not Guilty, and for thy Trial thou haſt put thy ſelf upon God and thy Countrey, which Countrey have found thee Guilty, what haſt thou to ſay for thy ſelf, why the Court ſhould not proceed to give Judgment of Death upon thee, and award Execution according to the Law?

Capt. Richardſon. What have you to ſay for your ſelf?

Green. I declare to all the world, that I am as innocent of the thing charged upon me, as the Child that is in the Mothers Womb. I die innocent, I do not care for Death, I go to my Saviour, and I deſire all that hear me to pray for me. I never ſaw the man to my knowledge alive or dead.

Cl. of Crown. Henry Berry, hold up thy hand, (which he did) Thou haſt been indicted of Felony and Murder, *&c.* What canſt thou ſay? *&c.*

Berry

Berry. I do declare, I am not guilty of any thing in the world of this.

L. C. J. We do not expect much from you, and it is no great matter; for your Confession will do us little good, but only for your selves. We regard it not otherwise, because the Evidence was so plain, that all mankind is satisfied there is no scruple in the thing; and we know you have either downright Denials, or Evasions, or Equivocating Terms for every thing; yet in plain dealing, every one that heard your Trial hath great satisfaction, and for my own particular, I have great satisfaction that you are every one of you guilty.

Cl. of Crown. Lawrence Hill, hold up thy hand, (which he did) Thou hast been indicted of Felony and Murder, *&c.* What canst thou say? *&c.*

Hill. I have nothing to say for my self, but that God Almighty knows my Innocence.

Cl. of Crown. Cryer, make an O yes.

Cryer. O yes, Our Sovereign Lord the King doth straitly charge and command all manner of persons to keep silence whilst Judgment is giving upon the Prisoners convicted, upon pain of Imprisonment; Peace about the Court.

Then Mr. Justice Wyld, *who as second Judge in that Court, pronounceth the Sentence in all Criminal matters, (except High Treason) spake to the Prisoners thus.*

Mr. J. Wy'd, You that are the prisoners at the Bar, you have all three been indicted for a detestable *Murder*, and thereunto have pleaded not guilty, and put your selves for your Tryal upon your Country, and your Country, upon a clear and pregnant Evidence, I believe to the satisfaction of all good men, that were indifferent, have found you guilty. I have little comfort to say any thing to you, because I observe your obstinacy at the Bar; but it is so generally among you all, you will confess nothing to the Death.

Green. God forbid Sir.

Mr. *J. Wyld.* But though I am of another perswasion than you, and know you have no charity for me, yet I have charity for you. And if I shall say any thing, it is out of a zealous affection I have for your souls; God knows, I speak it upon no other grounds; though the Offence be horrid, yet I commiserate your persons.

For the nature of your Offence it is Murder; He that sheds mans blood, by man shall his blood be shed; for in the image of God created he him. *So* saith God to *Noah*, intimating and declaring thereby, That the intention of God Almighty in the making of that *Law* was the preservation of Mankind: and that he will not admit or suffer his Image to be defaced or destroyed. If it shall be accounted Treason against Earthly Princes to deface their *Images*, is it not much more Treason against the Great God of Heaven and Earth, to deface his Image, who is the King of kings, and Lord of lords. The greatness of this sin struck such a damp and horrour upon the soul of *Cain*, that it made him cry out, his punishment was greater than he could bear; or, as our Bibles have it in the *Margin*, his iniquity was greater than could be forgiven; and it shall come to pass, that whosoever meeteth me, shall slay me. Being conscious to himself, that it was just and lawful, that whosoever

ever did meet with him should slay him. And God himself doth set forth the hainousnes of this Offence, when he tells him, his Brothers blood cryed to him, that is, cryed unto God from the Earth, for Vengeance. Blood it is of a crying nature, and will never cease crying, till it find out the Man-slayer.

It is an Offence so hainous in the Eye of God, that he will not endure it in a Beast; God saith, he will require it of a Beast. And doth God require Blood of a Beast, a brutish Creature void of all Reason, and will he not require it much more of Man, whom he hath endued with those two great Faculties of Reason and Understanding? And certainly if *Murder* in general be enquired after, I may well say this of yours, there hath not been committed a more impudent and barbarous *Murder* in this Civiliz'd Nation by one Subject upon another. And observe how you did effect this Murder, with baseness enough. See the baseness of it: As the Devil was the Father of Lies, so he was a Murderer from the beginning; and you first begun your *Murder* with an Hellish studied and premeditated Lie. Knowing that this Gentleman was a person very vigorous in the Execution of his place, that would omit no Opportunity of doing his Office; you pretend you have occasion for him, and by this means draw him into your snare; where what you do, you do cowardly and basely, first disarm him, then fall all upon him, & murder him; as the Prophet *David* saith of the ungodly man, first gets the Righteous man in his Net, and then ravisheth him.

Had such a thing as this been acted by us Protestants in any Popish Country in the World, I doubt there would scarce have been one of us left alive. They would not have taken this course that hath been taken with you, to admit us to a fair Trial; no, they would have made their own hands their Avengers: But God be praised, we are of another Religion, and of another Perswasion. We leave Vengeance to God, and under him to the Magistrate, who beareth not the Sword in vain, as you now find.

If I could abstract Folly from Wickedness, certainly it was one of the greatest pieces of Folly and Sottishness in the World: For what could be your end in it? Did you think that all the *Magistrates* in *England* were lodged in Sir *Edmondbury Godfrey*? that if he were taken out of the way, there were not men of Spirit and Courage, as faithful and diligent as he was? Trouble not your selves, nor let those of your Perswasion trouble themselves, there are a numerous Company of Magistrates in this Kingdom, that will do the same thing, and act in, and execute their Offices with the same Courage.

And as to the manner of the Murder, whom have you destroy'd? A Magistrate; For what? For the Execution of his Office. One that was a Conservator of the Peace; and whose Study it was to preserve you in Peace, on him you have violated the Peace, and nothing less would satisfie you than his precious Life. An Affront to the Law, to the Magistrate, to the King, to the Nation; yea to God himself, upon whom an higher Affront could hardly have been put. For the *Magistrate* is Gods Ordinance, God hath set him up to avenge himself upon the wicked, and to reward the good: and he doth not bear, as it is a sign by you he hath not born, the Sword in vain.

I might say much more concerning the hainousness of this Offence; but had I the tongue of men and Angels, I could not say enough to set out the horrour of it. And now let me tell you, I do not speak this to insult and domineer over you; I praise God I am of an other Spirit; he knows I have another end in what I say, and my end is meerly this, to perswade you from the foulness of your fact, to make a good use of it; that the horridness of your sin, may make the greater and deeper impressions on your Spirits; and so make your repentance more sincere and efficatious. Had you as many years to live as you have hours, it were little enough to bewail this horrid Offence. But on the other side, as that will be little enough, yet let me give you this comfort, you have time enough, if you make a good use of it, to make your peace with God.

Pray let me dehort you from one thing; and that is this, Do not be of the Opinion of those wicked miscreants the Jesuites, that have put you upon this matter; for I have so much Charity for you as to believe, they made it a matter of Religion to you, and justifiable upon that account. Do not think so, for the Law of God is indispensible, and no power under Heaven can License to murder. So that though the Offence in them is abominable, yet in you 'tis an Offence too, and an horrid one. And when you have considered it as such, I then desire you to take a right course to make your peace with God: For you must pass under another Judgment than that of man, and that shortly you must stand before the Judg of Heaven and Earth. And therefore if by this means you can prevent that future Judgment, you will have Just cause to thank God that you had your punishment here on earth. Therefore let me advise you to spend every minute you have left, in a free acknowledgment of all your Offences: For certainly some sin went before, or this had never came after. One sin dogs another, and makes way for the Commission of another.

And what must you rely upon? not upon any trash or trompery, not upon any merit of your own, there is but one Saviour and Mediatour, the Lord Jesus Christ. And I would advice you in the words of that great Cardinal, one that was one of the greatest men of your Religion, Bellarmine I mean, who, haveing made a scrutiny, which was the safest way for securing Heaven, made the conclusion thus, *To trust Only upon the Lord Jesus Christ for Life and Salvation*; which I advice you to do.

I have now done what I intended to say to you; and what I have said I spoke to deliver my own Soul, and upon no other account I now pronounce the Judgment which the Law hath appointed to pass upon such Malefactors; and that is this:

That you go from hence to the place from whence you came, and from thence to the place of Execution, where you shall be severally hanged by the Neck, till you are severally dead; and the Lord have mercy upon your Souls.

Hill, I humbly beg one favour, that I may have the priviledge to see my Wife and Children, and my Brother, before I dye, sometimes.

L. C. J. God forbid else.

Hill, Any day I hope my Lord.

L. C. J. Captain *Richardson*, let them have the liberty of seeing their Friends, but do it with care and caution.

J. Wyld

J. *Wyld*, And I will say this more to you, if you will have any Religious Protestant Divines to come to you, they shall be sent you, but none of your Priests.

Hill, I desire only my Relations.

Mr. *J. Wyld*, You shall have them, and we offer you the others.

Green. I have no Relations that are Catholicks, but two, and they are not Priests. God bless the King; and *I* desire all good people to pray for us.

L. C. J. Mr. *Astry* let the Rule be entred for their Execution on Munday next.

Cl. of the Cr. Captain *Richardson*, you shall have the Rule for their Execution on Monday next.

Then the Keeper carried away the Prisoners to the Goal, to be reserved till their Execution.

On Friday the 21st. of February following, the Prisoners, Robert Green *and* Lawrence Hill *were Executed according to the Sentence pronounced against them.*

FINIS.

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